

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5044 of 2017**

1. Bhola @ Golu Yadav S/o Late Baratu Yadav, Aged About 19 Years
 2. Ramswarup Yadav S/o Samaru Yadav, Aged About 30 Years
- both R/o Parsuram Ward, Bhatapara, Thana Bhatapara Shahar, Tehsil Bhatapara, District Balodabazar-Bhatapara, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Bhatapara Shahar,
District Balodabazar-Bhatapara, Chhattisgarh

---- Respondent**MCRC No. 5200 of 2017**

Sohan Nishad S/o Jhadiram Nishad, Aged About 32 Years R/o
Parasu Ram Ward, Bhatapara, Police Station Bhatapara Shahar,
Tahsil Bhatapara District Balodabazar- Bhatapara (Chhattisgarh).

---- Applicant**Versus**

State Of Chhattisgarh Through Incharge Police Station Bhatapara
Shahar District Baloda Bazar, Bhatapara (Chhattisgarh).

---- Respondent

For applicants	Mr. Sameer Singh, Adv. in MCRC No. 5044/2017 and Ms. Usha Chandrakar, Adv. in MCRC no.
5200/2017	
For State	Mr. Neeraj Jain, Govt. Adv.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****29-8-2017**

1. As MCRC No. 5044/2017 and MCRC No. 5200/2017 arise out of same incident and crime number, they are being disposed of by this common order.
2. The applicants have preferred these applications for grant of bail as they are arrested on 25-5-2017 in connection with Crime No. 170/2017 registered in PS Bhatapara Shahar, distt. Baloda

Bajar-Bhatapara (CG) for offence punishable under Section 294, 307, 34 of the Indian Penal Code, 1860.

3. Learned counsel for the applicants submits that after investigation charge sheet has been filed which is pending presently before the JMFC, Bhatapara, Distt. Baloda Bajar-Bhatapara for committal proceedings. The applicants are the first offenders. They will not commit any offence in future if granted bail. As per allegation, on a very trivial issue to take seat in the bus, applicant Ramswaroop Yadav assaulted injured Tikeshwar Sahu by knife and caused stab injury in the abdomen on 28-4-2017. From 29-4-2017 upto 11-5-2017, the injured remained hospitalized in a private hospital. After initial treatment he was operated in the said hospital. Injuries were repaired and stitched. After discharge, there is no further complication on the injury shown in the charge sheet. Other applicants Bhola @ Golu Yadav and Sohan Nishad were also present there and as per allegation, they shared the common intention with the main accused. The applicants may be granted bail as the trial may take time.
4. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicants and submits that for no cause, the applicants uttered obscene words to the complainant and in the meantime, accused Ramswaroop Yadav caused stab injury in the abdomen of the complainant. Looking to the entire facts, instant MCRCs may be dismissed.
5. Perused the material available.
6. As the applicants are in custody since 3 months and 4 days till

date, charge sheet has been filed, trial may take some time and after 11-5-2017 there is no fact surfaced regarding any further treatment of the complainant, all the applicants are first offenders, and considering the entire facts, I am inclined to grant one opportunity to the applicants to live peacefully in the society without committing any crime. Consequently, instant MCRCs are allowed. The applicants are directed to be released on bail on each of their furnishing a personal bond in the sum of Rs. 50,000/- with two solvent sureties each of Rs. 25,000/- for each applicant to the satisfaction of the committal Court/ trial Court for their appearance before the said Court till disposal of the trial regularly as and when directed by the said Court.

7. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court intentionally, (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature: (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
8. In addition, the applicants are directed not to communicate / contact in any manner with the injured and the witnesses cited in the charge sheet and any other person concerned or attempt to ask for any favour in the trial directly or indirectly. If so, the

injured and the witnesses may report the said act to the trial Judge and if the trial Judge finds after hearing that in any way the applicants directly or indirectly gave pressure for illegal favour in the trial or other wise, the bail granted to the applicants shall be cancelled without further reference to the bench and the concerned trial Court may take the applicants in custody including other measures as provided under the law.

9. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge.
10. A copy of the order be placed in the file of MCRC No. 5200/2017.
11. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge