

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5262 of 2017**

- Deepak Kumar Kurre S/o Late Shri Firatram Kurre, Aged About 26 Years R/o Village Sendri, P. S. Baradwar, District Janjgir Champa Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Thana In Charge Police Station Baradwar, Civil & Revenue Distt. Janjgir Champa (Chhattisgarh)

---- Respondent

For Applicant	: Shri Arun Kochar, Advocate.
For Respondent/State	: Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****01.09.2017**

Heard the matter finally.

2. The applicant has preferred this application for grant of bail as he was arrested on 15/07/2017, in connection with Crime No. 174/2017, registered in Police Station Baradwar, Distt. Janjgir-Champa (C.G.) for offence punishable under Section 294, 323, 324, 506 and 327 of the Indian Penal Code.

3. Learned counsel for the applicant submits that charge-sheet is not yet filed and the applicant is remanded by the Judicial Magistrate First Class, Baradwar, Distt Janjgir-Champa (C.G.). As per the allegation, the applicant demanded money from the complainant Lakshmi Narayan for liquor when he denied, the applicant caused injuries through hands and feet and 3 abrasion noticed by the

Doctor over the right side of the neck and connected area, though the injuries were not grievous in nature and also not fatal for the life. The complainant never admitted in the hospital as indoor patient. Looking to the facts, he applicant will not commit any offence in future, as the trial may take some time for its conclusion, he may be enlarged on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant on the basis of facts surfaced in the matter, as the applicant demanded Rs.400/- for the drink and when he denied he assaulted after the obscene words and threat to kill in a place. Also earlier Crime No. 292/15 under Section 147 and 341 of the IPC and the Complaint No. 491/13 under Section 107 and 116 (2) of the Cr.P.C. has been registered. Hence, the instant MCRC may be dismissed.

5. Perused the matter.

6. As the applicant is in custody for 1 month 17 days till date, charge-sheet is not yet filed, trial may take some time, after consideration of period of detention nature of injuries and other facts and also though one matter under the preventive proceedings and another matter of penal offences has been registered against the applicant, I am inclined to grant one opportunity to the applicant so that he shall not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, instant MCRC is allowed.

8. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- to the satisfaction of Judicial

Magistrate First Class, Raipur (C.G.) for his appearance before the said Court regularly as and when directed by the said Court for their appearance before the said Court regularly as and when directed by the said Court.

9. It is made clear that this order granting bail to the applicant 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 does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; (iv) the trial Court finds that the applicants remains 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.

10. It is further directed that till the conclusion of the trial, present applicants shall mark their appearance before the Station House Officer/IO, Police Station Baradwar Raipur, Distt. Raipur **on First and Third Monday of every month at 11:00 am.** It is further made clear that if the applicants without any cogent and proper reason does not appear before the Police of Police Station Baradwar Raipur, Distt. Raipur as directed, the concerned police may inform the trial Court for the act and if their non-appearance found to be without any proper and cogent reason, the instant order granting bail to the applicants shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Register (Judl.) is further directed to send a copy of the order

to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

12. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge