

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5277 of 2017**

- Aditya Jaiswal, S/o Jugal Kishor Jaiswal, Aged About 25 Years  
R/o Bazarpara, Narayanpur, District Narayanpur, Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh Through Station House Officer, Police  
Station Telibandha, Raipur, District Raipur, Chhattisgarh.

**---- Respondent**


---

For Applicant : Smt. Fouzia Mirza, Advocate.

For Respondent/State : Shri O.P. Sahu, Govt. Advocate.

---

**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****31.08.2017**

Heard the matter finally.

2. The applicant has preferred this application for grant of bail as he was arrested on 03/01/2017, in connection with Crime No. 6/2017, registered in Police Station Telibandha, Distt. Raipur (C.G.) for offence punishable under Section 307 of Indian Penal Code and 25(1) (1B) (b) & 27 of the Arms Act, 1959.

3. Learned counsel for the applicant submits that after investigation police had filed charge-sheet which is pending before the Additional Judge to the Court of First Additional Sessions Judge, Raipur (C.G.) and the Sessions Trial No.83/2017. Learned counsel for the applicant would further submit that the applicant is the first offender and will not commit any offence in future. As per the allegation, the applicant on 03/01/2017 at 10:15 am stopped the

victim and caused two stab injuries with a knife over abdomen of (i) 4\*3\*8cm (ii) 5\*3\*5 cm. The applicant is the first offender and will not commit any offence in future, and he is aged about 25 years and as per the facts surfaced, the victim i.e. Ms. Archana Dubey was admitted in the hospital for treatment from 03/01/2017 to 07/01/2017, thereafter he had never re-admitted in the hospital and no any complication shown in the charge-sheet regarding the injuries caused to the applicant and in custody since long, 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 and would submit that applicant who was working with the victim and as he was in ex-party love and when the injured denied for the marriage with the applicant, then the applicant in response caused two stab upon. Hence looking to the entire facts the instant MCRC may be dismissed and also on the basis memorandum of the applicant blood stand knife was seized.

5. Perused the matter.

6. As the applicant is the first offender, he is in custody since 7 month 28 days till date, charge-sheet has been filed, trial may take some time, no criminal antecedent reported against the applicant and the applicant is aged about 25 years, there are no facts surfaced whether after the discharge. The injured was re-admitted in the hospital or not, further complications arose out of the injuries, after consideration of the entire facts, I am inclined to grant one last 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.40,000/- with one solvent surety of like some amount to the satisfaction of Trial Judge, 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. In addition, the applicant is directed not to communicate/contact in any manner with the injured i.e. Ms. Archana Dubey and her family members 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 applicant directly or indirectly gave pressure for illegal favour in the trial or otherwise, the

bail granted to the applicant shall be cancelled without further reference to the bench and the concerned trial Court may take the applicant in custody including other measures as provided under the law.

11. Certified Copy as per rules.

**Sd/-**  
**(Chandra Bhushan Bajpai)**  
**Judge**