

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5402 of 2017**

1. Pradeep Singh S/o Mahendra Pratap Singh, Aged About 35 Years R/o Puran, Mungeli, District Mungeli (Chhattisgarh).
2. Alok Singh S/o Rajlallan Singh, Aged About 27 Years R/o Puran, Mungeli, District Mungeli (Chhattisgarh).
3. Naval Singh S/o Bharat Singh, Aged About 30 Years R/o Puran, Mungeli, District Mungeli (Chhattisgarh).
4. Kushadwaj Singh S/o Ramlakhan Singh, Aged About 28 Years R/o Puran, Mungeli, District Mungeli (Chhattisgarh).
5. Akash Singh S/o Surendra Singh, Aged About 20 Years R/o Puran, Mungeli, District Mungeli (Chhattisgarh).
6. Radhasharan Singh S/o Sangam Singh, Aged About 46 Years R/o Puran, Mungeli, District Mungeli (Chhattisgarh).
7. Shriram Singh S/o Raghuvir Singh, Aged About 32 Years R/o Puran, Mungeli, District Mungeli (Chhattisgarh).
8. Avinash Singh S/o Rajlallan Singh, Aged About 22 Years R/o Puran, Mungeli, District Mungeli (Chhattisgarh).
9. Rahul Singh S/o Nirmal Singh, Aged About 24 Years R/o Village Dharpura, District Mungeli (Chhattisgarh).
10. Himanshu Singh S/o Nirmal Singh, Aged About 20 Years R/o Village Dharpura, District Mungeli (Chhattisgarh).
11. Chhota Singh S/o Manharan Singh, Aged About 30 Years R/o Village Gadamor, District Mungeli (Chhattisgarh).

---- Applicants**Versus**

1. State Of Chhattisgarh Through S. H. O. Police Station City Kotwali, Mungeli, District Mungeli (Chhattisgarh).

---- Non-applicant

For Applicants : Shri Awadh Tripathi, Advocate.

For Respondent/State : Shri Neeraj Jain, Government Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****06.09.2017**

1. Heard the matter finally.
2. The applicant have preferred this application for grant of bail as they are arrested in connection with Crime No. 321/2017, Police Station – City Kotwali, Mungeli, District– Mungeli, (C.G.) for offence punishable under Sections 147, 148, 149, 341, 307, 294, 506, 323, of Indian Penal Code. The applicant are arrested on 04.08.2017, charge-sheet is not filed, applicant have been remanded by Chief Judicial Magistrate Mungeli, (C.G.). Learned counsel for the applicants submits that co-accused Nirmal Singh and Suraj Pratap Singh had filed anticipatory bail Under section 438 I.P.C., before the court of session Mungeli, C.G., but the said application was dismissed by the said Court, and thereafter they have not preferred any MCRCA before this Court. There is previous enmity between the parties and on the basis of report lodged by applicant No.2 Alok Singh, two matters have been registered against the complainant party Under section 435, 436 of I.P.C. and also under section 323, 506 of I.P.C. Learned counsel for the applicants also submits that on the date of incident the applicants Akash Singh and Shri Ram Singh also received injuries by the assault committed by the complainant party. On the date of incident, when both the parties were outside the School building where the counting regarding

Election of cooperative society was going on, during this, there was hot talk, Verbal duel took place in the light of earlier dispute and dispute regarding cooperative election, in the said matter. Sudhir Sharma received total nine injuries including swelling over two spots including (1) Contusion on the back of the Chest of 6x3 c.m., (2) Contusion on the back of elbow of 3x2 c.m. (3) Tenderness below left elbow, (4) Tenderness on right elbow, (5) Contusion over left leg at knee of 7x2 c.m., (6) Contusion over left knee of 2x1 c.m., (7) Contusion over left tibia of 6x2 c.m., (8) Lacerated wound over mid of the occipital region of 4x1x0.2 c.m. During the x-ray of Sudhir Sharma, the doctor noticed fracture over left ulna. The said applicant was admitted in the hospital from 19.06.2017 till 22.06.2017. Another injured Amit Sharma had received (1) lacerate wound on parietal region (2) lacerate wound on right little finger (3) contusion over shoulder. He was admitted in the hospital as indoor patient from 19.06.2017 to 21.06.2017. He also received one fracture over right hand finger.

3. Manish Singh received abrasion over head, contusion over right scapular region. Both the injuries were simple in nature. Jai Prakash complained pain. Pokhraj received one swelling over left leg below knee, abrasion on the right knee abrasion over back side of left elbow of 0.5x0.5, lacerated wound over left ear pinna of 2x0.5x0.5.
4. All the injuries except fracture reported as aforementioned other injuries caused to all injured were

simple in nature and other injured were not admitted in the hospital as there was free fight between two groups on account enmity, earlier litigation, registration of offence and cooperative election. In both the sides persons were injured. There is no material to demonstrate that the injured admitted in the hospital were suffering any further complication regarding their injuries. charge-sheet is not filed, trial may take some time, the applicant will not commit any offence in future they may be enlarged on bail.

5. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicants as all the applicants assaulted the injured by club and stick with intention to take the life. Relationship between the parties are strange, earlier there was a criminal litigation between the parties and against the applicant Pradeep Singh following matters has been registered prior to the present incident.

Sl. No.	Crime No./date	Offence U/s
1.	04.04.2009	107, 116 (3) of Cr.P.C.
2.	483/16,	294, 506, 323, 34 of I.P.C.
3.	13.10.2016	107, 116 (3) Cr.P.C

Learned counsel for the respondent/State would further submits that looking to the entire facts surfaced, bail application may be dismissed.

6. Perused the entire matter.
7. As the applicants are in custody for one months two

days till date, there is no material to show that any of the applicants ever convicted by criminal Court. Charge-sheet is not filed, trial may take sometime, it appears prima-facie that there was enmity between both the parties and few matters have been registered and few persons from the complainant party were prosecuted, on the basis of the report of applicant No.2 Alok Singh. On the date of incident also there was counter report lodged by one of the applicant Shriram Singh.

8. On consideration of the entire facts, the nature of injuries caused and as the injured were admitted as indoor patient for three to four days respectively, I am inclined to grant one last opportunity to the applicants so that they shall not commit any offence in future and shall remain peacefully in the society.
9. Consequently, instant MCRC is allowed.
10. The applicants are directed to be released on bail on furnishing a personal bond in the Sum of Rs. 1,00,000/- each with two separates solvent sureties each of Rs. 50,000/- to the satisfaction of the Chief Judicial Magistrate Mungeli, (C.G.) for their appearance before the said Court regularly as and when directed by the said Court.
11. 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 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.

12. The applicants are further directed to appear before the concerned SHO/IO/in-charge of the Police Station City Kotwali, Mungeli, every 1st Monday and 3 rd Monday of every month till the conclusion of the trial. If the applicants fail to do so, concerned police may intimate the trial Court and if the trial Court held that the applicants remain absent without any cogent reason and proper reason as directed, the bail granted to applicants shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail are cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

13. In addition, the applicants are directed not to communicate/contact in any of the manner with the injured, their family members and witnesses to be cited in the charge-sheet or attempt to ask for any favour in the directly or indirectly. If so, the witnesses and the injured may report the said act to the trial Judge and if the trial Judge finds that in any way the applicants directly or indirectly gave pressure or any attempt for any illegal favour in the trial or otherwise, the bail

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

14. Register (Judicial) is directed to send a copy of this 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.

15. Certified Copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

Judge