

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5480 of 2017**

Omkareshwer @ Lala Chakradhari S/o Late Shri Thakur Ram Chakradhari, Aged About 20 Years R/o Raipura Bazar Chowk, Kumharpara, Thakur Ram Hotel, Police Station D.D. Nagar, District (Revenue & Civil) Raipur, CG. M-8349173700

---- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station D.D. Nagar, Raipur, District Raipur, CG.

---- Respondent

For applicant	Mr. Yogesh Pandey, Adv.
For Respondent/State	Mr. O.P. Sahu, Govt. Adv.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****8-9-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 19-4-2017 in connection with Crime No. 112/2017 registered in PS DD Nagar, Raipur Distt. Raipur (CG) for offence punishable under Section 307/34 of the Indian Penal Code, 1860 read with Section 25 and 27 of the Arms Act, 1959.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed against the present applicant and two co-accused Thaneswar Nishad and Komal Dhiwar and the same is pending before the JMFC, Raipur (CG) as Cr. Case No. 5020/2017. Both the co-accused have been granted bail by the Court of Sessions on consideration of their role. This is his first bail application before this Court. He is first offender aged about 20 years. As per allegation, he assaulted injured Mukesh with

belt and thereafter assaulted by knife and caused one stab wound at the abdomen measuring 1.5 x 1 x 6 cm along with 3 lacerated wounds. The injured was admitted in the hospital as indoor patient from 18-4-2017 till 1-5-2017 where he was operated and the doctor repaired the injuries. Knife has been seized. The applicant is the first offence. He will not commit any offence in future.

4. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicant looking to the stab injury caused by the applicant by knife, the knife is seized and other facts. He also submits that the doctor has opined that the injury caused could be fatal to life if not treated in time. However he fairly concedes that police has not reported any criminal antecedent against the applicant in the case diary.
5. Perused the matter.
6. As the applicant is the first offender aged about 20 years, he is in jail since 4 months and 21 days till date, charge sheet has been filed, trial may take some time, the injured was admitted as indoor patient from 17-4-2017 till 1-5-2017 thereafter nothing is surfaced whether the injured had any complication in the injury and as submitted the applicant will not commit any offence in future, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. 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 each of Rs. 25,000/- to the satisfaction of the committal court/trial court for

his appearance before the said Court regularly as and when directed by the said Court.

7. 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 applicant suppressed filing or pendency of any other application for grant of bail before this court or the Hon'ble Apex Court intentionally, (ii) the applicant 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 applicant 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.
8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge