

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5453 of 2017**

- Mahesh Dongre, S/o Murari Dongre, Aged About 22, Years R/o Sector - 6, Road - 30, Quarter No. A. Q., Bhilai Nagar, District Durg (Chhattisgarh).

---- Applicant**Versus**

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

---- Respondent

For Applicant : Shri B.P. Singh, Advocate.

For Non-applicant/State : Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****07.09.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.108/2016 on 22/02/2017 registered in outpost Padmnabhpur, Police Station Kotwali, Distt. Durg (C.G.) for the offence under Section 294, 506 Part II, 323, & 34 and thereafter the applicant released on bail by the Competent Authority and the applicant was on bail till 25/04/2017. On the said date applicant was re-arrested by the police during the investigation and also registered the matter under Section 324 & 307 of Indian Penal Code, with this applicant is in custody since 25/04/2017.

3. Learned counsel for the applicant submits that after

investigation police had filed charge-sheet which is presently pending before the Fourth Additional Session Judge (ASJ) Durg (C.G.) as Sessions Trial No. 104/17, applicant is the first offender, he will not commit any offence in future. As per allegation applicant sharing the common intention with co-accused Kamlesh Patre and caused 4 injuries by knife to the complainant Lucky Kumar, out of them 3 injuries were simple in nature 4th injury was caused on the left side of the forehead for the said injury, the Doctor conducted the MLC referred the patient for CT-Scan. After CT-Scan concerned Doctor noticed contusion and hemorrhage the injured admitted in the hospital from 20/02/2017 to 25/02/2017 for about 6 days, thereafter no complications arise regarding injuries received, trial may take some time, the co-accused Kamlesh Patre has already been granted bail in MCRC No. 4141/17 dated 27/07/2017 as the applicant was never involved in any of the matter earlier to the incident, he may be granted an opportunity to remain in bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the argument advanced on behalf of the applicant and would submit that applicant gave 4 blows from the knife, he was having to the injured Lucky Kumar for no reason with intent to kill him and also gave threat to kill, obscene words and other acts, hence the instant MCRC may be dismissed.

5. Peruse the entire material.

6. As the applicant is the first offender and he is in custody since 4 months and 13 days till date, trial is pending, applicant is aged about 22 years, there no criminal antecedent reported against the applicant, injured was admitted in hospital for 6 days only, thereafter

no further complication regarding injuries were noticed or surfaced in the charge-sheet, co-accused also granted bail, trial may take some time, on consideration of the entire facts, 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, the instant MCRC 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/- each to the satisfaction of Trial Judge, Durg (C.G.) for his 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 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 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, registered in outpost Padmnabhpur, Police Station Kotwali, Distt. Durg (C.G.) **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 do not appear before the Police of out post Padmnabhpur Police Station Kotwali, Distt. Durg (C.G.) 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. In addition, the applicant is directed not to communicate/contact in any manner with the injured, his 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.

12. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge