

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5666 of 2017**

- Indrajeet Bhagat S/o Om Prakash Bhagat, Aged About 31 Years
R/o Village Gamhardih, Police Station Shakargarh, District
Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Shakargarh, District Balrampur Ramanujganj
Chhattisgarh.

---- Respondent

 For Applicants : Shri Jitendra Shrivastava, Advocate
 For Respondent/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

18.9.2017

Heard the matter finally.

2. This is the application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.41/2017 registered in Police Station Shankargardh, Civil District Surguja at Ambikapur for the offence punishable under 39/192, 148/196 of the Motor Vehicles Act, 1988 and under Section 436 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 30.5.2017, after investigation charge sheet has been filed which is presently pending before Judicial Magistrate First Class, Rajpur, Civil District Surguja at Ambikapur as Criminal Case No.197/2017. The matter is not yet committed. Learned counsel for the applicant would submit that the applicant is the first offender, there is no motive surfaced for the offence committed by the applicant. As per the facts surfaced in the charge sheet, the

applicant came along with one gas cylinder in a motor cycle, connected the said gas cylinder with a pipe and kept the pipe inside the house of the complainant, opened the knob of the cylinder, ignited it and also used obscene words against the family members of the complainant. Due to this act, clothes and other domestic utensils of the complainant were damaged causing him a loss of Rs.10,000/- Thereafter the applicant himself went inside the house and help the complainant to extinguish the fire. The applicant will not commit any offence in future. He may be given an opportunity to remain on bail as the trial may taken some time.

4. Per contra, learned counsel for the State opposes the bail application on the basis of the way in which the offence has been committed by the applicant, but fairly submits that there is o criminal antecedent reported against the applicant.

5. Perused the entire material.

6. The applicant is in custody for three months and twenty days, charge sheet has been filed, the manner in which the applicant committed the offence seems to be unique and dangerous as he himself was in acute danger. Though in the entire charge sheet no motive has been surfaces as what was the cause for the act and as the applicant himself came forward to help the complainant to extinguish the fire, it seems that it may be in a hidden enmity or any aggrieved state of mind. But as the applicant has no criminal antecedent, I am inclined to grant one opportunity to the applicant so that he will not commit any offence in future and shall remain peacefully in the society.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- with two separate solvent sureties of Rs.25,000/- to the satisfaction of Judicial Magistrate First Class, Rajpur/trial Judge as the case may, for his appearance before the said Court as and when directed.

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 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; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the 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 applicant shall mark his appearance before the Station House Officer/IO, Police Station Shankargarh, Distt. Balrampur-Ramanujganj 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 Shankargarh, Distt. Balrampur-Ramanujganj as directed, the concerned police may inform the trial Court for the

act and if his appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant 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 of the manner with the complainant/his neighbor, his family members and witnesses cited in the charge sheet or attempt to ask for any favour in the trial directly or indirectly. If so, the witnesses and the complainant may report the said act to the trial Judge and if the trial Judge finds that in any way the applicant directly or indirectly gave pressure or any attempt for any 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 shall take the applicant in custody including other measures as provided under the law.

12. Registrar (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.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE