

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5786 of 2017**

1. Nandu Yadav S/o Swaroop Singh Yadav, Aged About 60 Years
2. Jeet Ram Yadav, S/o Nandu Yadav, Aged About 25 Years
3. Hriday Ram Yadav S/o Nandu Yadav, Aged About 22 Years

all R/o Village Kolhiya D, Barpali, Police Station Shyang, Tahsil Bhaisma, Civil & Revenue District Korba, Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station A
J K Korba, District Korba, Chhattisgarh.

---- Respondent

For applicant	Mr. Dharmesh Shrivastava, Adv.
For Respondent/State	Mr.Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27-9-2017**

1. Heard finally.
2. The applicants have preferred this application for grant of bail as they are arrested on 27-7-2017 in connection with Crime No. 18/2017 registered in PS AJAK, Korba (CG) for offence punishable under Section 294, 506, 323, 325, 34 of the Indian Penal Code, 1860 and Section 3 sub-section 1(r)(f) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in brevity 'the Atrocities Act').
3. Learned counsel for the applicants submit that after investigation charge sheet has been filed against all the three applicants which is presently pending before the Special Judge under the Atrocities Act, Korba as Special Sessions Trial (Atrocities) No. 31/2017. Co-accused Deepak is juvenile against whom the police has filed supplementary charge sheet before the Juvenile Justice Board, Korba, CG. This is their first bail application before this Court. They are first offenders. The applicants are father and sons and on account of some earlier

dispute all the applicants assaulted Ram Prasad and caused 4 injuries out of which one was shown as grievous as contusion size 4 x 2 cm over right thigh. Injured Siddhant also sustained simple injury. No one was admitted in the hospital as indoor patient. The applicants are in custody since 2 months. They will not commit any offence in future if granted bail. They may be granted bail as the trial may take sometime.

4. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicants and submits that on a very trivial issue the applicants assaulted aforementioned persons who are their neighbour and also abused and threatened to kill them. Hence looking to the entire incident, instant MCRC may be dismissed. However he fairly concedes that no criminal antecedent of the applicants is reported by the police in the case diary.
5. Perused the matter.
6. As the applicants are in custody since 2 months till date, charge sheet has been filed, trial may take some time, no injured was admitted in the hospital as indoor patient, they are first offender and on account of some dispute the applicant committed the entire incident, and as submitted they will not commit any crime in future and considering entire facts of the case, I am inclined to grant one opportunity to the applicants to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety of the like sum for each applicant to the satisfaction of the trial Court for their appearance before the said trial Court till disposal of the trial regularly as and when directed by the said Court.
7. 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 remain 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. In addition, the applicants are directed not to communicate / contact in any manner with the injured and their family members and the witnesses cited in the charge sheet or attempt to ask for any favour in the trial directly or indirectly. If so, they 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 for 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 may take the applicants in custody including other measures as provided under the law.
9. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge