

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No.5864 of 2017**

- Guljar Chouhan S/o Gulab Chauhan, Aged About 28 Years R/o Mathpara, Ward No. 30, Rajnandgaon, Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh Throguh Station House Officer, Police Station City Kotwali, District Rajnandgaon, Chhattisgarh.

---- Respondent

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 For Applicants : Shri Rahim Ubwani, Advocate  
 For Respondent/State : Shri Ashok Swarnkar, Panel Lawyer  
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**Hon'ble Shri Justice Chandra Bhushan Bajpai**  
**Order On Board**

**10.10.2017**

Heard the matter finally.

2. This is an 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.280/2017 registered in Police Station City Kotwali, distt. Rajnandgaon (CG) for the offence punishable under Section 307 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 11.5.2017, after investigation, police has filed charge sheet which is presently pending before Chief Judicial Magistrate, Rajnandgaon as Criminal Case No.2256/17. Learned counsel for the applicant is not aware whether the matter is committed to the Court of Session and its session trial number. As per the allegation, the applicant caused one stab wound to Akash Sharma at the right side of his abdomen, on a trivial issue. Injured Askash Sharma was admitted in the hospital as in door patient from

10.5.2017 to 23.5.2017. Thereafter no complication has been reported regarding the injury or the operated part. On an enquiry the concerned doctor has opined that the injury sustained to the applicant was sufficient for probable death of the injured if not treated on time and injury sustained to the applicant can be caused with the knife seized from the applicant. Learned counsel for the applicant submits that the applicant is the first offender, he will not commit any offence in future. As the trial may take some time for its conclusion, he may be granted bail.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicant and would submit that as per the opinion of the doctor, the injury sustained to the complainant is sufficient to cause death if not treated on time and also for a very trivial matter, the applicant stabbed the applicant with a knife, hence the instant application for bail may be dismissed.

5. Perused the entire material.

6. The applicants are in custody for one month, charge sheet has been filed, the injured was discharged on 23.5.2017 and thereafter it is nowhere stated that the injured had any complication with regard to his injury. There is no criminal past reported against the applicant, the trial may take some time for its conclusion and also looking to the long period of detention and other facts, I am inclined to grant one last 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 committal Court/trial Judge 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.** In addition, the applicant is directed not to communicate/contact in any of the manner with the injured, 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 injured 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.

**11.** Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge for compliance and information.

Certified copy as per rules.

Sd/-  
**(Chandra Bhushan Bajpai)**  
**JUDGE**

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