

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.7603 of 2016**

Shyam Lal S/o Janglal Gond Aged About 35 Years R/o Village Sonsh,
Police Station Khadgawa, District Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Of Police
Station Khadgawa, District Korea, Chhattisgarh.

---- Respondent

For applicant	Mr. Anil Gulati, Adv.
For Respondent/State	Mr. Ashish Shukla, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27/03/2017**

1. Heard finally.
2. By filing this MCRC the applicant prays that he has been arrested on 19-10-2016 as he was required in Criminal Case No. 92/2015 registered in P.S. Khadgawa for offence under Section 307 of the IPC as charge sheet has been filed against him showing him absconding.
3. Learned counsel for the applicant submits that as per allegations of charge sheet, he assaulted one Madan Singh who was hospitalized from 7-6-2015 till 11-6-2016 and also assaulted Heera Singh by club and stone. Heera Singh was not hospitalized. The applicant is not of sound mind. This is the first application before this Court. He is ready to furnish bail bond as required. His application may be allowed and he may be enlarged on bail till disposal of S.T. No. 79/2016 - State -v- Shyamlal.
4. Per contra, learned State counsel opposed the bail application.
5. On due consideration, for the reasons that the applicant is in jail since 19-10-2016 till date, incident is of 1-6-2015, injured Madan Singh has already been discharged from the hospital on 11-6-2015, and as

submitted that the applicant is the person of unsound mind, the trial will take some time, there is no material to show that the applicant is not the first offender, he is a resident of Distt. Korea, I am inclined to allow instant MCRC.

6. 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. 20,000/- with one solvent surety of the like sum to the satisfaction of the trial Court i.e. 2nd Additional Sessions Judge, Manendragarh, Distt. Korea, CG for his appearance before the said trial Court till disposal of the said ST No. 79/2016 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 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