

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.8631 of 2016**

- Krishna Kumar Narang S/o Anklal Narang, Aged About 35 Years
R/o Village- Khopli, Dihi Para, Chowki- Machandur, Police
Station- Utai, Tehsil And District- Durg Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through- District Magistrate, Civil And
Revenue District- Durg Chhattisgarh.

---- Respondent

For Applicant	: Shri Shokie Yadav, Advocate
For Respondent/State	: Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27.3.2017**

Heard the matter finally.

2. By filing this M.Cr.C. it is prayed that the applicant is facing trial before Sessions Judge, Durg under Sections 294, 506-B, 307 read with Section 34 (two counts), 324 read with Section 34 IPC and under Section 25(1), (1-B)(B) & 27(1) of the Arms Act in connection with Crime No.211/2016 along with co-accused Ashok Kumar Kosare, charges have been framed, 7 witnesses have been examined, this is the first application under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Code'), the applicant is in jail for more than 7 months, he will not misuse the liberty granted to him, hence, he may be granted bail.

3. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant.

4. Perused the case diary. Undisputedly, co-accused has been released on bail vide order dated 29.11.2016 in M.Cr.C. No.7057/2016, the applicant is in jail for more than 7 months, he is facing trial for Crime No.211/16 in ST No.158/2016. It is not a case where the victim is still admitted in the hospital, it is not a case where the applicant is involved in any other offence. No other application has been preferred on behalf of the applicant under Section 438/439 of the Cr.P.C. before this Court or before the Apex Court.

5. On due consideration, I am inclined to allow the instant M.Cr.C. Consequently, the same is allowed.

6. The applicant is directed to be released on bail provided that he furnishes the personal bond for a sum of Rs.25,000/- with one solvent surety in the like sum to the satisfaction of concerned trial Court for his appearance before the said Court as and when directed till the disposal of said session trial No.158/2016.

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 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.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE