

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4529 of 2017

- Chitram Patel S/o Ghurbin Patel, Aged About 55 Years, Caste - Patel, Occupation - Farmer, R/o Village Navrangur, Police Station - Sakti, District - Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sakti, District Janjgir-Champa Chhattisgarh

---- Non-applicant

For Applicant – Shri Deepak Kumar Singh, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

10-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.123/2017 on 29-4-2017 by P.S. Sakti, District Janjgir-Champa, C.G. for the offence under Section 186, 294, 506, 353, 332 of the IPC. After investigation police had filed the charge sheet which is presently pending before the JMFC Sakti, Distt. Janjgir-Champa, C.G. as Criminal Case No.308/2017. Learned counsel for the applicant would further submit that the applicant had earlier preferred MCRC No.3669/2017; on 21-06-2017 the said MCRC was disposed of as withdrawn as the applicant intended to revive the MCRC after filing of the charge sheet. Now the charge sheet has been filed. The applicant is first offender and as per the allegation, the applicant entered to the chamber of Panchayat Secretary and thereafter uttered filthy words, gave threat also obstructed him to perform his official duty as he is a public servant, and also tore the record of the Panchayat. He will not commit any offence in future. He may be granted an opportunity to remain in bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the

argument advanced on behalf of the applicant and submitted that looking to the entire act of the applicant that he obstructed the Panchayat Secretary to perform official duty as public servant and also as the applicant tore the record of the Panchayat.

4. Perused the entire material.

5. As the applicant is in custody since 3 months and 12 days, aged about 55 years, he had no criminal antecedent, he is first offender, and as shown in the charge sheet on account of some dispute the incident happened, on consideration of the entire facts including period of detention and other facts, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Judicial Magistrate First Class Sakti, District Janjgir-Champa, C.G. for his appearance before the said Court as and when directed till trial.

6. 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 above, the Court below may proceed further under the provisions of law under intimation.

7. It is further directed that the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Sakti, District Janjgir-Champa, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of

the said criminal case against him. If the applicant failed to mark his appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to the Bench.

8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.

9. In addition, the applicant is directed not to communicate/contact in any of the manner with the complainant and the witnesses cited in the charge sheet or attempt to ask for any favour in the trial. 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 gave pressure or any attempt for any illegal favour in the trial or otherwise directly or indirectly, 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.

10. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge