

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5937 of 2017**

Bhupendra Kaush S/o Mr. Chhatrapati Kaushik Aged About 19 Years
R/o House No. 72, Rojgari Para Ward, Kondagaon, Tehsil & District-
Kondagaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Kondagaon,
Kondagaon, Chhattisgarh

---- Respondent

For applicant	Mr. Raza Ali, Adv.
For Respondent/State	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11-10-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 21-6-2017 in connection with Crime No. 46/2017 registered in PS Kondagaon, Distt. Kondagaon (CG) for offence punishable under Section 307 of the IPC.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed before the Judicial Magistrate First Class, Kondagaon and subsequently committed to the court of Sessions, presently pending before the Court of Sessions Judge, Kondagaon as ST No. 67/2017. The applicant is aged about 19 years. He is first offender with no criminal antecedent. As per allegation, the applicant assaulted Bhavesh Thakur by axe who received one lacerated wound over little finger of right hand, also the doctor noticed pain and swelling at right maxillary region and also over right hand. In the X-ray there was no bony injury noticed. There is no injury which may be fatal to life. He further submits that the applicant had preferred MCRC No. 5258/2017. The said matter declared as disposed of without any

appreciation on merit as the applicant was not represented on the date of hearing i.e. 1-9-2017. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.

4. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicant and submits that the applicant assaulted the injured with intention to kill by the sharp edged weapon. By chance the injured could not get injuries which may be fatal to life. Hence looking to the act and intention of the applicant, instant MCRC may be dismissed.
5. Perused the matter.
6. As the applicant is the first offender, he is in jail since 3 months and 21 days till date, charge sheet has been filed, trial may take some time, the injured has not received any grievous injuries, the applicant is aged about 19 years and as submitted he will not commit any crime in future and considering entire facts of the case, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the Sessions Judge, Kondagaon CG for his appearance before the said Court 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 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. In addition, the applicant is directed not to communicate / contact in any manner with the injured, his 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 applicant directly or indirectly gave pressure for illegal favour in the trial or other wise, the bail granted to the applicant shall be cancelled without further reference to the bench and the concerned trial Court may take the applicant in custody including other measures as provided under the law.
9. Addl. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge.
10. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge