



well as raising unauthorised construction over the neighbouring plot.

- c) As per allegations, the incident was taking place at 00:30 hours and just after the incident, the complainant was taken to hospital and the medical certificate indicates that he came to the hospital at 03:35 hours. In the present scenario of the case, this delay itself speaks volumes regarding the incident.
- d) It is said that the fire was made after beating the complaining party, when the people gathered there, which indicates that it was made from a distance. Nevertheless, as per medicolegal report, there was lightning at the margin of wound, which indicates that it was made from a close range.
- e) It is noteworthy that no bony structure is involved in the injury sustained by the complainant and the Medicolegal Officer declared the injury as 'Ghai Jaifah Damiah' falling under Section 337-A (i), which is bailable.
- f) In the backdrop of the previous animosity between the parties over some construction upon the plot and the nature of injury declared by Medicolegal Officer; the possibilities of self-suffering cannot be ruled out.
- g) Although it is claimed that the people of neighbourhood gathered at the spot at the time of incident but no private person is cited as witness in the F.I.R. nor produced during investigation.

3. The upshot of the above discussion is that a case of pre-arrest bail is made out in favour of the applicants, as such the interim order dated 08.07.2019 is confirmed on the same terms and conditions. The applicants are directed to attend the trial Court and/or join investigation if required by the Investigation Officer.

4. It is not out of place to mention that if any of the applicants remains absent with intention to avoid trial and prefers to become absconder from the trial Court; and the trial Court is satisfied that he is fugitive to law; then the trial Court is fully empowered to take every action against the applicants including cancellation of his bail and initiating proceedings against his/their surety without making a reference to this Court. Since the surety is furnished before

this Court; therefore, in case of any order by the trial Court regarding penalizing the surety, an intimation from the trial Court will be sufficient for further proceedings by the Nazir of this Court regarding fortification of the surety amount in favour of the State.

5. These are the reasons for my short order dated 23-07-2019 and needless to say that the above observations are tentative in nature, as such the learned trial Court is supposed to proceed with the trial purely on merit without diverging due to these observations.

J U D G E

Dated: \_\_\_\_\_