

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3498 of 2017**

Mukesh Verma S/o Shri Arjun Verma, Aged About 23 Years R/o Village Kadar, Police Station Chakarbhata, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through: The Police Station Neora, District- Raipur, Chhattisgarh.

---- Respondent

For applicant	Mr. Ritesh Verma, Adv.
For Respondent/State	Mr.Vinod Tekam, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****5-7-2017**

1. Perused the office not. As per office note, no remaining co-accused has preferred any MCRC and no such matter is pending.
2. Heard finally.
3. The applicant has preferred this application for grant of bail as he is arrested on 19-1-2017 in connection with Crime No. 32/2017 registered in PS Neora, Distt. Raipur for offence punishable under Section 457, 380, 427, 411, 414/34 of the Indian Penal Code along with 7 other co-accused persons.
4. Learned counsel for the applicant submits that co-accused Jivanlal Verma was granted bail by the coordinate bench of this Court vide order dated 13-6-2017 passed in MCRC No. 3441/2017. After investigation charge sheet has been filed against total 8 accused persons including present applicant which is pending before the JMFC, Tilda, Raipur as Criminal Case No. 159/2017. This is his first bail application before this Court. He is first offender. As per allegation surfaced in the charge sheet, the applicant purchased a motorcycle and helmet offered by co-accused Rahul Sen in his own name on the

basis of his ID proof and gave the said motorcycle and helmet to co-accused Rahul. For this exercise, Rahul gave him Rs. 1,000/-. Applicant is not main accused, not taken part in any way in the trespass and theft to the tune of Rs. 4,65,000/- and other articles. His role is very limited in the matter. He is in jail since long. He may be granted bail as the trial may take some time. His case is distinguishable from that of co-accused.

5. Per contra, learned counsel for the State opposes the bail application and submits that knowing well that co-accused Rahul Sen along with other co-accused committed theft after trespass for Rs. 4,65,000/- and other articles he helped Rahul Sen to purchase motorcycle and helmet in his own name for Rs. 1,000/-. Hence instant MCRC may be dismissed.
6. Perused the matter.
7. On due consideration, as the applicant is the first offender, he is in jail since 5 months and 16 days till date and as submitted he will not commit any crime in future and in the present matter also, he is not the main culprit, not taken part in house trespass and theft as aforementioned, he for the sake of Rs. 1,000/- used his ID and purchased the motorcycle and helmet in his own name, on due consideration of entire facts, as the facts of the present case is distinguishable from other co-accused, 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. 50,000/- with two solvent sureties each of Rs. 25,000/- to the satisfaction of the JMFC Tilda CG for his appearance before the said Court regularly as and when directed by the said Court.

8. 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.
9. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge