

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5769 of 2017

- Roshan Kumar Yadav S/o Shyam Bihari Yadav, Aged About 22 Years R/o Rajeev Nagar, Near Shulabh, Supela, Bhilai, Tahsil And District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Durg District Durg Chhattisgarh.

---- Non-applicant

For Applicant	: Shri Jitendra Gupta, Advocate.
For Respondent/State	: Shri Anant Bajpayi, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

25.09.2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that is arrested in connection with Crime No.504/17 on 14.06.2017 Police Station Supela, District Durg (C.G.) for the offence punishable under Section 392/34 of the Indian Penal Code, 1860.
3. Learned counsel for the applicant submits that after investigation police had filed charge-sheet, against the present applicant and the co-accused Sandeep Shah, which is presently pending before Chief Judicial Magistrate Durg,

C.G. As Criminal Case No. 5832/2017. Learned counsel for the applicant would submit that aged about 22 years. He will not commit any offence in future the co-accused granted bail in MCRC No. 5512/2017 dated 12.09.2017, as per allegation the applicant along with co-accused Sandeep Shah sharing common intention looted one mobile thereafter said mobile was recovered from the present applicant and from the co-accused motorcycle used for commission of offence has been seized. The applicant is in custody since long, he may be granted as the trial may take time.

4. Per contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant and would submit that apart from present matter, following matters have also been registered against the present applicant.

1. Crime No. 9/2016 u/s 41 (i) (d) of Cr.P.C., 379 of IPC.

2. Crime No. 8/2017 u/s 41 (i) (d) of Cr.P.C., 379 of IPC.

Hence looking to the criminal past of the applicant, instant MCRC may be dismissed.

5. Perused the entire matter.
6. As the applicant is in custody since 3 months and 12 days, till date, charge sheet has been filed, he is the first offender, trial may take some time, aged about 22 years, though earlier two matters have been registered against him but no specific facts is mentioned regarding value of the theft property and the applicant was arrested on a suspicion and as submitted

he will not commit any crime in future and considering entire facts, I am inclined to grant one opportunity to the applicant so that he shall not commit any offence in future and shall remain peacefully in the society.

7. Consequently, the instant MCRC is hereby allowed.
8. The applicant is directed to be released on bail on 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 Chief Judicial Magistrate Durg for his appearance before the said Court regularly as and when directed by the said Court.
9. It is made clear that this order granting bail to the applicants 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 do 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.
10. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Supela, District Durg, on every 1st and 3rd Monday of every month at 11 am positively till trial. If the applicant fails to do so,

concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent reason and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

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

12. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge