

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1448 of 2017**

Vishal Prajapati S/o Dilip Prajapati Aged About 19 Years R/o Camp - 2,
Viviekanand Colony Power House Bhilai, Tahsil And District Durg, CG.

---- Applicant**Versus**

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

---- Respondent

For applicant	Mr. Avinash Chand Sahu, Adv.
For Respondent/State	Mr. Arvind Shukla, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 957/2016 registered in PS Vaishali Nagar Chowki, PS Supela, Distt. Durg (CG) for offence punishable under Section 379, 411 and 34 of the IPC. Charge sheet has been filed before the Chief Judicial Magistrate, Durg which is pending as Criminal Case No. 1395/2017.
3. Learned counsel for the applicant submits that the applicant is the first offender. No criminal antecedent is reported by the police in the case diary. As per allegation, he along with another co-accused stolen ornaments and cash worth Rs. 46,000/-. Another co-accused Pankaj Soni has been granted bail as allegation against him is under section 411, IPC. Other co-accused is still in jail. It is submitted that if bail is granted, he will not repeat the offence. He is in jail since 9-1-2017 with this for last 3 months he is in custody. Therefore, the applicant may be enlarged on bail.
4. Learned State counsel opposes the bail application. No criminal antecedent of the applicant is reported in the police case diary. Only

the police mentioned in Clause 12 regarding status of applicant as habitual offender but in the entire charge sheet no matter is shown by the IO regarding involvement of present applicant in any other offence.

5. Perused the material.
6. On due consideration the period of detention, the applicant is first offender, age of the applicant, I am inclined to grant bail to the applicant. 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 CJM, Durg 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. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge