

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1775 of 2017**

- Jagdish Sahu S/o Shri Resham Sahu, Aged About 26 Years By Caste Teli, R/o Village Amgaon, Police Station & Tashil Jaijaipur, District Janjgir Champa, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Kotra Road, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Amit Kumar Chaki, Advocate
For Respondent/State	: Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****29.3.2017**

Heard the matter finally.

2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No. 29/2017 registered in Police Station Kotra Road, Raigarh for the offence punishable under Sections 454, 354 & 323 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant is in jail since 14.02.2017, charge sheet is yet to be filed. He further submits that the applicant has not been convicted earlier though an offence under Section 507 of IPC has been registered against the applicant for criminal intimidation by an anonymous communication of the complainant. He is in jail for more than 1 ½

months and he will not commit any offence in future. Hence, he may be granted bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that earlier also offence under Section 507 of the IPC has been registered against the present applicant.

5. Perused the material.

6. On due consideration of the entire material, I am inclined to award one opportunity so that the applicant will not repeat any further similar offence in future and peacefully live in the society.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of Judicial Magistrate First Class, Raigarh for his appearance before the said Court as and when directed.

9. 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; and (iv) the

trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above , the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE