

**NAFR****HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1779 of 2017**

- Pintu @ Motilal S/o Tijram Aged About 20 Years R/o Kekrabhat, Police Station & Tahsil Dabhra, District Janjgir Champa, Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh Through District Magistrate, Janjgir Champa, District Janjgir Champa, Chhattisgarh.

**---- Non-applicant**


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| For Applicant        | : Shri Ishwar Jaiswal, Advocate. |
| For Respondent/State | : Shri Wasim Miyan, Panel Lawyer |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****05.09.2017**

1. Heard the matter finally.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 309/2016, Police Station – Dabhra, District– Janjgir-Champa, (C.G.) for offence punishable under Sections 457, 380 of Indian Penal Code. The applicant is arrested on 18.10.2016. After investigating police filed charge-sheet against the present applicant, which is registered as Criminal case No. 616/2016 presently pending before Judicial Magistrate First Class, Dabhra, Distt. Janjgir-Champa (C.G.). Learned counsel for the

applicant submits that he is the first offender, aged about 20 years, as per allegation, from the applicant seven new mobile sets, three used mobile sets, cash Rs. 30,000/- and one home theater has been seized, on the other hand the report was lodged regarding theft by complainant was of 10 number of mobiles and cash Rs. 85,000/-. He may be granted an opportunity to remain in bail as trial may take sometimes.

3. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant on the basis of the fact regarding theft and seizure from the applicant though fairly considered that there is no criminal antecedent reported against the applicant.

4. Perused the entire matter.

5. As the applicant is in custody for ten months seventeen days till date, charge-sheet has been filed, trial may take sometime, the property stolen has already been recovered and as per fact surfaced to the extend of total 10 number of mobile sets, cash of Rs. 30,000/-. One home theater is not prima-facie included in the article stolen in the F.I.R. Applicant is the first offender and looking to his age period of detention, I am inclined to grant an opportunity the applicant so that he shall not commit any offence in future and shall remain peacefully in the society.

6. Consequently, instant MCRC is allowed.

7. The applicant is directed to be released on bail on furnishing a personal bond in the Sum of Rs. 1,00,000/- with

two solvent sureties each of Rs. 50,000/- to the satisfaction of the Judicial Magistrate First Class, Dabhra, Distt. Janjgir-Champa 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. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Dabhra,, Disstt. Janjgir-Champa, every 1st Monday and 3 rd Monday of every month till the conclusion of the 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.

10. Register (Judicial) is directed to send a copy of 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.
11. Certified Copy as per rules.

**Sd/-**  
**(Chandra Bhushan Bajpai)**  
**Judge**