

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1925 of 2017**

Alok Gopal S/o Sitaram Gopal, Aged About 18 Years R/o Yadav Mohalla, Barpali Chowk, Champa, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For applicant	Ms. Nirupma Bajpai, Adv.
For Respondent/State	Mr. Neeraj Mehta, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****01/05/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 4-2-2017 in connection with Crime No. 306/2016 registered in PS Champa, Distt. Janjgir Champa (CG) for offence punishable under Sections 147, 148, 323, 120-B and 394 of the IPC.
3. Learned counsel for the applicant submits that the applicant along with other co-accused Vindeshwar Gopal, Daneshwar Gopal and Shubham Pal had filed MCRC No. 1369/2016 which was disposed of as withdrawn on 6-2-2017 as the applicant was arrested on 4-2-2017. This is the first bail application of the present applicant under Section 439 of the Cr.P.C. He further submits that co-accused Shubham Pal and Faizal Khan @ Faizal have been granted bail in MCRC No. 2140/2017 and MCRC No. 1017/2017 vide order dated 19-4-2017. One co-accused is absconding. Charge sheet has been filed against 9 accused persons including present applicant showing one co-accused Raju Yadav absconding who was the main accused and as per allegation he was the person who looted chain worth Rs. 60,000/-

from the complainant after assault made allegedly by all the accused by clubs, hands, and fists. Learned counsel further submits that there is no seizure effected from the applicant. He was not shown in the CCTV footage as the police had filed the copy of the said CCTV footage showing the other accused. The two other accused have been granted bail and the applicant is not having any criminal antecedent. Charge sheet has been filed which is pending before the Judicial Magistrate First Class, Champa as Criminal Case No. 39/2017. Therefore he may be granted bail during trial.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and submits that the present applicant and co-accused assaulted the complainant and the as per allegation, absconding accused Raju Yadav looted the chain of the complainant and nothing has been seized from the applicant but looking to his involvement, presence at the spot, the application may be dismissed. However he fairly conceded that there is no other criminal antecedent of the present applicant shown in the case diary.
5. Perused the entire material.
6. Considering that the applicant is in jail for last about 2 months, nothing has been seized from him, the case of the present applicant is similar to co-accused Shubham and Faizal Khan, who have been granted bail, there is no criminal antecedent reported against the applicant, and in the charge sheet photo of other co-accused has been shown in the CCTV footage, the photo of the applicant is not there in the said CCTV footage, 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. 30,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Champa 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