

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No.1985 of 2017**

- Sahil Khan @ Gulshan S/o Shri Rajju @ Rajjak Khan, Aged About 21 Years ( Wrongly Mention In Impugned Order Gulshan) R/o Talapara Police Station Civil Lines Tahsil & District Bilaspur Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through Police Station Tarbahar District Bilaspur Chhattisgarh

---- Respondent

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| For Applicant        | : Shri Dheerendra Pandey, Advocate |
| For Respondent/State | : Shri Wasim Miyan, Panel Lawyer   |

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****11.4.2017**

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.56/2017 registered in Police Station Tarbahar, Distt. Bilaspur for the offence punishable under Sections 379/34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 06.3.2017, after investigation, the police has filed charge sheet and the matter is pending before Judicial Magistrate First Class, Bilaspur as Criminal Case No.966/17. As per the allegation, co-accused Sheikh Sajid @ Sonu opened the dicky of a motor cycle, took one bag from it in which Rs.98,500/-

was found, out of which an amount of Rs.26,000/- was given to the present applicant and the same has been seized on the basis of disclosure statement of the applicant. Except this, there is no incriminating material to connect the accused appellant with the offence and the case of the present applicant is distinguishable from the other co-accused, he will not commit any offence in future, he may be given opportunity so that he may remain in society without committing any crime in future.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that the police has not collected any material regarding criminal antecedent of the applicant .

5. Perused the material.

6. On due consideration, as the charge sheet has been filed, the applicant is in jail for about a month, and as per the evidence collected, the applicant is not the main accused who committed the theft, I am inclined to grant one opportunity to the applicant so that he may not commit any offence of similar or any other nature in future.

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.30,000/- with one surety in the like sum to the satisfaction of Judicial Magistrate First

Class, Bilaspur 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