

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No.1994 of 2017**

- Akash Rao @ Jamir S/o Venkat Rao , Aged About 28 Years R/o Krishana- Nagar Supela, Tahsil, & District- Durg, Chhattisgarh.

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

- State Of Chhattisgarh Through : It S Police Station- Supela Civil & Revenue District- Durg, Chhattisgarh.

**---- Respondent**


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| For Applicant        | : Shri Ravi Maheshwari, Advocate     |
| For Respondent/State | : Shri Ashish Shukla, Govt. Advocate |

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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.20/2017 registered in Police Station Supela Civil & Revenue District Durg for the offence punishable under Sections 420, 406, 120B & 409 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant along with two other accused persons were arrested on 15.01.2017, after investigation, the police has filed charge sheet and the matter is pending before Chief Judicial Magistrate, Durg as Criminal Case No.1852/17. He further submits that as per the information received from the Registry, co-accused Vaibhav Pandey and Rajendra Singh have not filed any application for their

release on bail. As per the case of the prosecution, the applicant along with main co-accused Vaibhav Pandey and Rajendra Singh broke the lock of office/company, in which co-accused Vaibhav Pandey was working as Manager. Some articles and papers of the company was seized from the house of the co-accused persons. Nothing is seized from the present applicant, he was merely transporting the same to the house of the co-accused persons. He is in jail for about three months and he has no criminal antecedent. The act of co-accused persons is not similar with the act of present applicant as co-accused Vaibhav Pandey has made embezzlement and used articles worth Rs.1,00,000/- for his benefit. The applicant is not benefited or received any article or amount for the act. He will not commit any offence in future, hence, he may be enlarged on bail.

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. A perusal of the copy of the charge sheet, it appears that case of the present applicant is not similar with the case of two other accused persons. He simply transported the said articles and not received any benefit from such transaction. On due consideration of the entire material, considering the totality of the facts and circumstances of the case, considering the fact that the

applicant is in jail for more than three months and is a first offender, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

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 Chief Judicial Magistrate, Durg 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**