

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2279 of 2017**

- Faruq Ansari S/o Shri Nasruddin, Aged About 38 Years R/o Barwahi, Anandpur, Police Station Sanawal, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Police Station Sanawal, District- Balrampur- Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Shri Neeraj Mehta, Advocate
 For Respondent/State : Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26.4.2017**

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.03/2017 registered in Police Station Sanawal, Ramanujganj for the offence punishable under Sections 295A, 429, 34 of the IPC and under Sections 4, 5 & 10 of the Chhattisgarh Agricultural Cattle Preservation Act, 2004.

3. Learned counsel for the applicant submits that the applicant has been arrested on 30.01.2017, after investigation charge sheet has been filed against present applicant and 8 other accused persons before Chief Judicial Magistrate, Ramanujganj, Civil District Surguja at Ambikapur, which is registered as Criminal

Case No.50/2017. He further submits that three other co-accused persons were granted bail by this Court vide order dated 12.4.2017 in M.Cr.C. No.1856/17 and four other co-accused persons were granted bail by Coordinate Bench vide order dated 20.4.2017 in M.Cr.C.No.2416/17. Case of the present applicant is similar to those seven accused persons who were already granted bail. The applicant will not commit any offence in future, there is no criminal antecedent against him, investigation is complete, charge sheet has been filed, the applicant is in jail for more than 2½ months, hence, he may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would fairly submit that the police has not noticed any criminal antecedent of the present applicant.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for 2 months and 26 days till date, 7 other accused persons were already granted bail, charge sheet has been filed, I am inclined to grant one opportunity to the applicant, so that he will not commit any offence 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 solvent surety in the like sum to the satisfaction of Chief Judicial

Magistrate, Ramanujganj 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 today itself.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE