

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2029 of 2017**

Mangatram @ Magga S/o Late Shri Hiralal Sanwara, Aged About 20 Years R/o Sanwaradora, Sant Ravidas Ward, Bhatapara, Police Station & Tahsil Bhatapara, District Baloda Bazar Bhatapara, CG.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Bhatapara (City), District Balodabazar Bhatapara, CG.

---- Respondent

For applicant	Mr. S.K. Guha, Adv.
For Respondent/State	Mr. Neeraj Sharma, Dy. GA.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****11/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 14-2-2017 in connection with Crime No. 61/2017 registered in PS Bhatapara (City), Distt. Baloda Bazar Bhatapara for offence punishable under Section 457, 380, 34 of the IPC. After investigation charge sheet has been filed against the present applicant and one Gabbar @ Sanjay Sanwara. The matter is pending before the JMFC, Bhatapara (City) as Criminal Case No. 126/2017.
3. Learned counsel for the applicant submits that the applicant is the first offender. As per allegation, the applicant along with three other co-accused, out of whom 2 were juvenile against whom police proceeded separately, is involved in the theft of property, cash and ornaments, total valued at Rs. 90,000/-. Only incriminating circumstance in the matter is that as per his disclosure statement, police seized Rs. 2,000/- cash from the applicant which may not be connected with the offence as there is no any identification for said Rs. 2,000/- and as per disclosure statement, in all Rs. 3,000/- only was received by the applicant in division of stolen property. As he is not involved in any

other offence, in future also he will not repeat the offence, he is in jail since 14-2-2017, he may be granted an opportunity to remain on bail.

4. Per contra, learned State counsel opposes the bail application. However he fairly conceded that no criminal antecedent of the applicant is reported in the police case diary.
5. Perused the entire material.
6. Looking to the fact that only Rs. 2,000/- has been seized from the present applicant, the applicant is in jail since 14-2-2017, charge sheet has been filed, the applicant is not required for any interrogation, I am inclined to allow instant MCRC. 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Bhatapara CG 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