

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2048 of 2017**

- Dwarika S/o Asharam Thakur Aged About 35 Years R/o Station Marouda, Minimata, Near Ranjana Medical, Nevai, Police Station Nevai, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Durg, District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri Jitendra Gupta, Advocate
For Respondent/State	: Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****17.4.2017**

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.14/2017 registered in Police Station Ranitarai, Distt. Durg for the offence punishable under Section 379/34 of the IPC and under Sections 146/196, 3/181, 139/192, 50/177, 130(3)/177 of the Motor vehicles Act, 1988.

3. Learned counsel for the applicant submits that the applicant has been arrested on 25.01.2017, after investigation charge sheet has been filed against the applicant before Judicial Magistrate First Class, Patan, Distt. Durg as Criminal Case No.71/17. The applicant was allegedly found in possession of stolen paddy of

360 kg worth Rs. 5292/- along with certain offence arise from Motor Vehicles Act. A vehicle bearing registration No.CG 07 CA 9801 Tata Magic was also seized. The applicant is in jail since two months, he is the first offender, he may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that there is no criminal antecedent reported against the present applicant.

5. Perused the entire material.

6. On due consideration, as the applicant is in jail for four two months, charge sheet has been filed, disposal of the case may take sometime, and looking to the value of stolen paddy, I am inclined to grant one opportunity to the applicant so that he may live in the society without committing any similar or other 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.25,000/- with one solvent surety in the like sum to the satisfaction of the trial Judge 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