

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2091 of 2017**

- Bhaskar Potta S/o Vimal Potta, Aged About 19 Years R/o Village Antagarh, Tehsil Antagarh, District North Bastar Kanker, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Antagarh, District North Baster Kanker, Chhattisgarh.

---- Respondent

For Applicant	: Shri PP Sahu, Advocate
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****01.05.2017**

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.12/2017 registered at Police Station Antagarh, District North Bastar Kanker(CG) for the offence punishable under Section 379 IPC.

3. Learned counsel for the applicant submits that the applicant is arrested on 3.3.2017. Charge sheet has been filed before the JMFC, Bhanupratappur as Cr. Case No.90/2017. The applicant is the first offender, aged about 19 years just above the age of the majority and as per allegations he had stolen a motorcycle No.

CG 19 BL 1036. He is a student of BA 1st Year, and therefore, the applicant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application. He submits that the applicant had stolen the motorcycle which was parked in front of ITI Kasgaon, Antagarh and put the said motorcycle in a hidden condition behind the Girls Hostel in forest beneath the shrubs. Though he fairly conceded that Antagarh Police had not noticed any earlier involvement of the applicant in similar or other offence.

5. I have heard the counsel appearing for the parties.

6. Looking to the age of the applicant as 19 years who is a student and is in jail since 2 months, when he saw the motorcycle parked without any lock he had taken the same and put it behind the Girls Hostel, though the offence registered is serious, I am inclined to grant one last opportunity to the applicant so that he may not commit any offence in future and shall remain in the society peacefully, therefore, he may 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.30,000/- with one surety in the like sum to the satisfaction of the JMFC Bhanupratappur for his appearance before the said trial 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