

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2281 of 2017**

Kamlesh Kosle son of Shri Ishwar Kosle, Aged About 22 Years R/o
Village Dhobhti Police Station Or Tahsil Arang District Raipur, Civil &
Revenue District- Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Arang District- Raipur,
Chhattisgarh.

---- Respondent

For applicant	Mr. Ajay Mishra, Adv.
For Respondent/State	Mr. Arvind Shukla, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 11-3-2017 in connection with Crime No. 121/2017 registered in PS Arang, Distt. Raipur for offence punishable under Section 380 and 457 of the IPC.
3. Learned counsel for the applicant submits that after investigation, charge sheet has been filed which is pending before the JMFC, Raipur as Criminal Case No. 2787/2017. Co-accused Hemant Mannade is granted bail by the trial Court. As per allegation, present accused along with co-accused have stolen total 140 kg of paddy valued Rs. 1,680/-. He will not commit any offence in future if granted bail. The applicant is the first offender with no criminal antecedent. He is in jail for last 1 and half month till date. Therefore, the applicant may be enlarged on bail.
4. 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 material available.
6. On due consideration, as the applicant is in jail for last 1 and half month, he is first offender, as state out of paddy of Rs. 1,680/-, paddy of Rs. 840/- has been recovered and seized, the trial may take some time, applicant is aged about 22 years at the time of incident, I am inclined to grant one opportunity to the applicant to live in the society without committing any crime. 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. 10,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Raipur 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