

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2210 of 2017**

- Mohammad Raees, S/o Wali Mohammad, Aged About 28 Years
R/o Darrighat, Police Station Masturi, Tahsil Masturi, District
Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police
Station Torwa, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Shri Jitendra Shrivastava, Advocate.
For Non-applicant/State : Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****07.09.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.49/2016 on 13/02/2016 by Police Station Torwa, Distt. Bilaspur (C.G.) for the offence under Section 420 & 34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that after investigation, police had filed charge-sheet against the 4 accused including the present applicant which is pending as Criminal Case No. 2478/16. The other co-accused Mohammad Harun Qureshi, Mohammad Farukh Qureshi and Mohammad Sheikh Qureshi have already been granted bail by the Coordinate Bench in MCRC No. 2385/16 dated 19/05/2016, applicant is the first offender. As per

allegation, he has taken money Rs.16,90,000/- dishonestly from many and thereafter not returned and hence cheated, the co-accused granted bail by the Coordinate Bench, there is no allegation, that applicant is the main accused, case of present applicant is similar to the other co-accused, with this he is in custody since long. He will not commit any offence in future on the Principles of parity as the co-accused granted bail and long detention, as the trial may take some time for its conclusion, he may be enlarged on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the argument advanced on behalf of the applicant on the basis of facts surfaced in the charge-sheet, though fairly considered that there is no criminal antecedent of the applicant.

5. Peruse the entire material.

6. As the applicant is in custody since 1 year 6 months and 25 days till date, charge sheet has been filed, trial may take some time, applicant is the first offender and other 3 co-accused were on bail since long ago by the Coordinate Bench, case of the present applicant is similar to those co-accused, though the amount cheated is higher, on looking to the other facts regarding the long detention, I am inclined to grant one opportunity to the applicant so that he shall not commit any offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, the instant MCRC allowed

8. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of Special

Railway Magistrate, Bilaspur (C.G.) for his appearance before the said Court regularly as and when directed by the said Court.

9. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants 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 applicants 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.

10. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge