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HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.2411 of 2017**

- Yashwant Dhruv S/o Raghunath Dhruv, Aged About 30 Years
R/o Shyamaprasad Mukharji Ward Bhatapara, Police Station &
Tahsil Bhatapara Town, District Baloda Bazar, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer,
Bhatapara Town, District Baloda Bazar, Chhattisgarh.

---- Respondent

For Applicant : Shri Prakash Kumar Mishra, Advocate
For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04.5.2017**

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.53/2017 registered in Police Station Bhatapara Town, District Baloda Bazar for the offence punishable under Section 380 of Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 07.02.2017, after investigation, concerned police has filed charge sheet against the present applicant, which is pending as Criminal Case No.110/17 before Judicial Magistrate First Class, Bhattapara. The applicant is the first offender, as per the allegation, the applicant has stolen a grinding machine from the shop of the complainant worth Rs.1,800/-. He further submits that the

applicant will not commit any offence in future, hence, he may be granted bail.

4. Per contra , learned counsel for the State opposes the bail application and would fairly submits the applicant was not involved in any other offence prior to the incident.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in jail for about three months, charge sheet has been filed and looking to the value of the stolen property, I am inclined to grant one opportunity to the applicant, so that he shall remain in the society without committing any 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.10,000/- with one solvent surety of like sum to the satisfaction of Judicial Magistrate First Class, Bhattapara 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

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