

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2626 of 2017

- Manish @ Lara Rajak S/o Late Balwant Rajak, Aged About 20 Years, R/o Kansa Chowk, Tikrapara, Police Station City Kotwali, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - City Kotwali, District Bilaspur, Chhattisgarh.

---- Non-applicant

And

MCRC No. 3771 of 2017

- Yasin Khan S/o Yusuf Khan, Aged About 21 Years, R/o Kansa Chowk Tikrapara, Police Station City Kotwali Tahsil and District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station City Kotwali, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Ashish Gupta, Advocate (in MCRC No.2626/2017).
Shri Pravin Kumar Tulsyan, Advocate (in MCRC No.3771/2017)

For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

11-07-2017

1. As both the MCRC arise out of the same crime number and incident, they are being disposed of by this common order.
2. Heard the matter finally.
3. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.95/2017 on 15-3-2017 by P.S. City Kotwali, District Bilaspur, C.G. for the offence under Section 392/34 of the IPC. After investigation charge sheet has been filed, which is pending before the JMFC Bilaspur, C.G. as Criminal Case No.2960/17. Both the applicants are first offender, aged about 20 and 21 years. As per the allegation shown in the

charge sheet, both the applicants have looted the property, key of activa scooter, mobile of gionee company, another mobile of redmi company valued Rs.6,500/-. Police during investigation seized one mobile of gionee company from applicant Yasin Khan and seized one mobile of redmi company and another mobile from applicant Manish. They will not commit any offence in future. They may be granted an opportunity to remain in bail during trial.

4. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants on the basis of the facts surfaced in the matter as the applicants have looted the property from the complainant and witness.

5. Perused the entire material.

6. As both the applicants are in custody for 3 months and 27 days till date, charge sheet has been filed, trial may take some time, the applicants are aged about 20 to 21 years, they are first offender, they had no criminal antecedent and the property looted is recovered, I am inclined to grant one last opportunity to the applicants so that they shall not involve themselves in any offence and shall live peacefully in society. Consequently, both the MCRC are hereby allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Judicial Magistrate First Class Bilaspur, C.G. for their appearance before the said court as and when directed till trial.

7. 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 do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court

finds that the applicants remain 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. It is further directed that the applicants shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. City Kotwali, District Bilaspur, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of said criminal case against them. If the applicants failed to mark their appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicants were not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicants shall stand cancelled by the trial Court without further reference to the Bench.

9. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.

10. Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
Judge