

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2681 of 2017

1. Smt. Beena Modi W/o Raju Modi, Aged About 22 Years, R/o Butapada, Modi Para Town, Sambalpur, Police Station Sambalpur, District Sambalpur Orrissa
2. Smt. Jadameen W/o Rajesh Modi, Aged About 35 Years, R/o Butapada, Modi Para Town, Sambalpur, Police Station Sambalpur, District Sambalpur Orrissa

---- Applicants

Versus

1. State of Chhattisgarh Through Police Station Khamtarai, District Raipur Chhattisgarh

---- Non-applicant

For Applicant – Shri Devershi Thakur, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

11-05-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.44/2017 on 25-1-2017 by P.S. Khamtarai, Distt. Raipur, C.G. for the offence under Section 454, 380/34 of the IPC. After investigation charge sheet has been filed, which is pending before the CJM Raipur, C.G. as Criminal Case No.2683/2017. Police had also filed supplementary charge sheet against the juvenile co-accused before the Juvenile Justice Board Raipur. As per the allegation, both the applicants along with the juvenile co-accused stolen the property one laptop and one mobile worth Rs.27,000/- in total. The applicants had not involved in any offence earlier. Both are woman, they are in jail since 25-01-2017. The said laptop has been recovered from applicant No.1 Smt. Beena Modi and mobile has been recovered from applicant No.2 Smt. Jadameen. They will not commit any offence in future. They may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants and would submit that the applicants were identified only on the basis of footage of CCTV camera

installed in the premises of the complainant and as they entered into the house without any permission and stolen the laptop and mobile, they are residents of Orissa, though there is no any earlier criminal antecedent, but looking to the entire facts, the instant MCRC may be dismissed.

4. Considered the entire material.

5. On due consideration, as the applicants are in jail since three months and 18 days, they have stolen the property worth Rs.27,000/- and the entire stolen property has been recovered from the applicants, the applicants are women, trial may take some time and on entire consideration of the facts surfaced in the charge sheet, I am inclined to grant one opportunity to the applicants so that they shall not commit any offence in future and shall remain peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.25000/- with one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Raipur, C.G. for their appearance before the said trial Court as and when directed till trial.

6. 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.

7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE