

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2641 of 2017**

- Nagesh Pandey S/o Late Shri Leela Dhar Pandey Aged About 21 Years R/o Kailash Nagar, Birgaon, Police Station- Urla, Tahsil & District Raipur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	: Shri Devarshi Thakur, Advocate
For Respondent/State	: Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10.5.2017**

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.89/2017, registered at Police Station Khamtarai, District Raipur(CG) for the offence punishable under Section 392 IPC.

3. Learned counsel for the applicant submits that after investigation police had charge sheet against the present applicant and another co accused Sanjay Yadav which is registered as Cr. Case no. 2845/2017 pending before JMFC

Raipur for framing of the charges. The co accused Sanjay Yadav has not applied for bail. He submits the applicant is aged about 21 years. As per allegations the applicant along with co accused robbed a mobile phone and cash amount of Rs.5,000/- from the complainant Pyare Das. Though the applicant is identified in T.I.P., but looking to the fact that he is in jail for about 3 months; he is not involved earlier in any offence; the offence is triable by Judicial Magistrate First Class, and he will not commit any offence in future and trial will take some time, therefore, the applicant may be granted bail during trial.

4. On the other hand, learned counsel for the State opposes the bail application on the basis of property looted from the complainant. Though he submits that police had not noticed any earlier criminal antecedent of the applicant.

5. I have heard the counsel appearing for the parties.

6. On due consideration, as the applicant is aged about 21 years, he is in jail since 3 months, charge sheet has been filed and trial may take some time and there is no earlier criminal antecedent, the looted money Rs.1500/- and the vehicle being used by both the applicants is seized, the offence is triable by Judicial Magistrate First Class, I am of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

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.50,000/- with two sureties of Rs. 25,000/- each to the satisfaction of the JMFC, Raipur(CG) for his appearance before the said trial Court as and when directed till trial.

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.

10. The applicant is further directed to remain present before the SHO/IO/Incharge as the case may be, at Police Station Khamtarai on every 1st and 3rd Monday at 11.00 am positively till trial. If the applicant remained absent, the concerned Police may intimate the trial court for the same. If the trial court find that the applicant remained absent without any cogent and proper reason

as directed, the bail granted by this Court shall stand automatically cancelled without further reference to the Bench under intimation.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE