

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2743 of 2017

- Vinod Yadav S/o Ramfer Yadav, Aged About 32 Years, R/o Village Heerapur, Tatibandh, Police Station Tatibandh, Tahsil & District Raipur Chhattisgarh
- Sandeep Yadav S/o Rajdev Yadav, Aged About 26 Years, R/o Village Heerapur, Tatibandh, Police Station Tatibandh, Tahsil & District Raipur Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Pithaura, District Mahasamund Chhattisgarh

---- Non-applicant

For Applicants – Shri Mayank Chandrakar, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order on Board

04-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.63/2017 on 03-4-2017 by P.S. Pithaura, District Mahasamund, C.G. for the offence under Section 381, 408, 411 read with Section 34 of the IPC. After investigation police had filed the charge sheet against three accused persons which is pending before the JMFC Pithaura, Distt. Mahasamund, C.G. as Criminal Case No.161/17. Co-accused Shankar Sharma had not applied for bail before this Court. The applicants are the first offender and as per the allegation, they had taken 85 liter petrol and 45 liter diesel form tanker and were selling it to co-accused Shankar Sharma. They will not commit any offence in future. They may be granted bail during trial.
3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicants on the basis of the facts surfaced in the matter.
4. Perused the entire material.
5. As both the applicants are in custody since 3 months, charge sheet has

been filed, trial may take some time, both the applicants are first offender and as per the allegation they had stolen 85 liter petrol, 45 liter diesel from the tanker, the applicants are driver and helper of the said tanker, with this entrusted with the property and they were selling it to the co-accused, looking to the quantity of property and other facts, they had no criminal antecedent and they are in custody since three months, I am inclined to grant one last opportunity to the applicants so that they shall not involve themselves in any crime and shall live 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.25,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Pithaura, Distt. Mahasamund, C.G. for their appearance before the said 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