

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3214 of 2017**

- Raju Modi S/o Late Mathura Modi, Aged About 25 Years R/o Butapada, Modipara Town, Police Station Tahsil & District Sambalpur (Odisha)

---- Applicant**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station Mahasamund, District Mahasamund (Chhattisgarh)

---- Respondent

For Applicant : Shri Vikash Pradhan, Advocate
 For Respondent/State : Shri Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04.7.2017**

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.79/2017 registered in Police Station Mahasamund, Distt. Mahasamund (CG) for the offence punishable under Sections 454 & 380 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 25.01.2017, after investigation, concerned police has filed charge sheet against the present applicant, which is pending as Criminal Case No.646/17 before Chief Judicial Magistrate, Mahasamund. As per the allegation, a stolen mobile phone was recovered from the applicant. The applicant is the first

offender, he 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 on the ground that the applicant is not the resident of Mahasamund.

5. Perused the entire material.

6. As the applicant is in jail since 25.01.2017, he is the first offender, trial may take sometime for its conclusion, looking to the entire facts, I am inclined to grant one opportunity to the applicant, so that he shall not commit any similar or other 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.50,000/- with two separate solvent sureties of Rs.25,000/- to the satisfaction of Chief Judicial Magistrate, Mahasamund 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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