

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3268 of 2017

- Harish Kumar Jangde S/o Mayaram Jangde, Aged About 38 Years, Teacher, R/o Baroda, Police Station- Kharora, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through : Station House Officer, Police Station- Nawagarh, District Bemetara, Chhattisgarh.

---- Non-applicant

For Applicant – Shri B.P.Singh, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

31-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.176/2008 on 22-4-2017 by P.S. Nawagarh, District- Bemetara, C.G. for the offence under Section 420, 467, 468, 471, 34 of IPC . After investigation charge sheet has been filed, which is pending before the JMFC Bemetara, C.G. as Criminal Case No. 245/2012. Learned counsel for the applicant would also submit that charge sheet is filed against total 31 accused including the present applicant. This is bail jump case. The applicant was enlarged on bail on 06-07-2009 by the Additional Sessions Judge Bemetara, C.G. Thereafter he remained absent and warrant of arrest has been issued to secure the attendance of the applicant. Ultimately he was re-arrested on 22-04-2017 and since then the applicant is in custody. Though he was absent for many years, not gave his appearance before the remand Court/trial Court, but other co-accused granted bail they are facing trial and now the applicant will not absent in the trial. He may be enlarged on bail. He is a Shiksha Karmi, i.e., teacher working in the affairs of State Government. He may be granted an opportunity to remain in bail during trial. It is further

submitted that another co-accused Smt. Manjusha Bai was granted bail by the coordinate Bench in MCRC No.3550/2017 vide order dated 15-06-2017 and barring the present applicant the other 30 accused are in bail. Hence, one opportunity may be granted.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that the applicant remained absent for years before the remand Court/trial Court, with this, progress of the trial is adversely affected. Looking to the entire facts, the instant MCRC is hereby dismissed.

4. Perused the entire material.

5. There is no any other criminal antecedent of the applicant, the applicant is in jail for three months 9 days till date, other 30 co-accused persons were granted bail and they are facing trial, the applicant is a Shiksha Karmi, i.e., teacher, no any other matter is pending against the applicant and as submitted now, he will not commit non-appearance, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any offence and shall appear regularly before the trial Court in the trial. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his 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 Bemetara, C.G. for his appearance before the said Court as and when directed till trial.

6. 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 above, the Court below may proceed further under the provisions of law under intimation.

7. It is further directed that if not earlier decided the concerned trial Judge shall register MJC against the applicant and his surety under Section 446 of the Cr.P.C. regarding forfeiture and realization of bail bond required under the law for the earlier bail bond furnished on behalf of the applicant dated 16-07-2009 and to decide the said in accordance with law as early as possible under intimation to the Registry.

8. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge