

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3274 of 2017

- Suraj Rai S/o Shri Mahendra Rai, Aged About 22 Years, R/o Sadak No. 53, Qt No. 14 D, Balaji Nagar, Khursipar Bhilai, District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: District Magistrate : Durg, District: Durg, Chhattisgarh and also through Police Station : Khurispar, District : Durg, Chhattisgarh.

---- Non-applicant

For Applicant – Smt. N.K.Kashyap, Advocate.

For Non-applicant/State – Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

03-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.84/2017 on 25-3-2017 by P.S. Khurispar, District Durg, C.G. for the offence under Section 457, 380 of the IPC. After investigation police had filed the charge sheet which is pending before the JMFC Durg, C.G. as Criminal Case No.2418/2017. The applicant is first offender. He will not commit any offence in future. As per the allegation, property stolen is total of Rs.20,000/- and during investigation police had recovered from the applicant cash and other article valued Rs.29,150/- only. Entire stolen property is recovered. The applicant may be granted bail till trial.
3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicant on the basis of the quantity of property stolen and the manner in which the applicant committed theft.
4. Perused the entire material.
5. As the applicant is in custody since 3 months and 8 days till date, charge sheet has been filed, trial may take some time, total property stolen is recovered from the applicant, there is no criminal antecedent of the applicant,

upon consideration of entire facts, I am inclined to grant bail to the applicant so that he shall not involve himself in any crime and shall live peacefully in society. 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.30,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Durg, 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. Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE