

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3317 of 2017

- Mukesh Kumar @ Khannu Sahu S/o Jai Prakash Sahu, Aged About 21 Years, R/o Village- Kelhari, Post Office & Police Station Kelhari, District- Koriya, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station - Kelhari, District- Koriya, Chhattisgarh

---- Non-applicant

And

MCRC No. 3530 of 2017

- Amit Tiwari S/o Shri Krishna Kumar Tiwari, Aged About 22 Years, R/o Gram Bichiyatola Post Kelhari Tehsil Manendragarh Thana Kelahani District- Korea, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through the Station House Officer, Police Station - Kelhari, Civil & Revenue District- Korea, Chhattisgarh

---- Non-applicant

For Applicant – Mr. Shivendu Pandya, Advocate (in MCRC No.3317/2017)
Mr. N.K.Shukla, Senior Advocate assisted by Ms. Priya Mishra, Advocate (in MCRC No.3530/2017)
For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order on Board

21-06-2017

1. As both the MCRC arise out of the same crime number and incident, they are being disposed of jointly by this common order.
2. Heard the matter finally.
3. Learned counsel for the respective applicants would submit that both the applicants held arrested in connection with Crime No.58/2016 on 12-2-2017 by P.S. Kelhari, District- Korea, C.G. for the offence under Section 457 and 380 of the IPC. After investigation police had filed the charge sheet against both the applicants, which is pending before the JMFC Manendragarh, Distt. Korea, C.G. as Criminal Case No.52/2016. Both the applicants had no criminal past. They are in custody since 4 months and 9 days till date. The value of the property stolen is Rs.48,670/-; entire stolen property has been seized from

both the applicant and another co-accused who is a juvenile and police after investigation filed separate charge sheet before the concerned Juvenile Justice Board. They will not commit any offence in future. Trial may take some time. They may be enlarged on bail.

4. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants, though fairly conceded that whatever property stolen has been recovered during investigation and there is no any earlier criminal antecedent of any of the applicants.

5. Perused the entire material.

6. As both the applicants are in custody since 4 months and 9 days, they had no any criminal past for similar or any other offence, the property stolen is recovered, trial may take some time, on due consideration, I am inclined to grant bail to both the applicants. Consequently, both the MCRC are hereby allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.40,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Manendragarh, Distt. Korea, C.G. for their appearance before the said Court as and when directed till trial.

7. 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.

8. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge