

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3421 of 2017**

- Nishant Naidu @ Babu S/o Sushil Naidu Aged About 19 Years
R/o Adarah Nagar Sirgitti Police Station Sirgitti, Tahsil And
District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Civil Line,
District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri PK Tulsyan, Advocate
For Respondent/State	: Shri OP Sahu, Govt. Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****07.7.2017**

Perused the Office note.

2. As per the note of the Office, co-accused Golu Khan and Sanjay @ Billi have not filed any bail petitions in connection with present matter.

3. As directed on 05.7.2017, learned counsel for the State would submit that except Crime No.126/17 under Section 392/34, no other criminal case is registered against the present applicant.

4. This fact is recorded.

5. Heard the matter finally.

6. 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.62/2017 registered in Police Station

Civil Line, Bilaspur Distt. Bilaspur (CG) for the offence punishable under Sections 457, 380/34 of the Indian Penal Code.

7. Learned counsel for the applicant submits that the applicant has been arrested on 08.3.2017, after investigation, concerned police has filed charge sheet against the present applicant, which is pending as Criminal Case No.1194/17 before Chief Judicial Magistrate, Bilaspur. He further submits that as per the earlier criminal antecedent surfaced, the present applicant was granted bail by the Second Additional Session Judge, Bilaspur in bail petition No.517/17 dated 24.4.2017. In the said order it was observed by the concerned court that there is no any memorandum of the present applicant, no any seizure and there is no test identification parade conducted in the said matter, hence, the Court below upon consideration allowed the petition filed by the applicant. In the present matter, one empty gas cylinder worth Rs.1500/- has been seized from the applicant, he is in custody for about four months, he will not commit any offence in future, hence he may be granted bail during trial.

8. Per contra, learned counsel for the State opposes the bail application on the basis of seizure of cylinder from the applicant and also earlier he has been arrested in connection with Offence under Section 392/4 of the IPC in Crime No.126/17 as submitted by the counsel for the applicant. Looking to his criminal antecedent, his application may be dismissed.

9. Perused the entire material.

10. The applicant is in jail since four months, he is aged about 19 years, in the earlier matter registered against the applicant, he was granted bail as there is no memorandum and seizure and no test identification parade was conducted regarding the applicant. In the present matter also empty cylinder worth Rs.1500/- has been seized from the applicant . On due consideration of 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.

11. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

12. 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, Bilaspur for his appearance before the said Court as and when directed.

13. 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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