

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3495 of 2017**

Pranay Pal S/o Shri Pramath Pal Aged About 26 Years (Wrongly
Mentioned Pratham Nath) R/o 30 Block Shivanand Nagar, Sector 3,
Khamtarai, Raipur, Police Station Khamtarai, District Raipur, CG.

---- Applicant

Versus

State of Chhattisgarh through Police Station Korar, Distt. Kanker, CG.

---- Respondent

For applicant	Mr. C.R. Sahu, Adv.
For Respondent/State	Mr. Ashok Swarnkar, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****31-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 10-4-2017 in connection with Crime No. 24/2017 registered in PS Korar, Distt. North Bastar, Kanker for offence punishable under Section 392, 506-B of the Indian Penal Code, 1860.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the CJM North Bastar, Kanker as Cr. Case No. 383/2017. In the present matter, it is alleged that co-accused who is juvenile and the present applicant have looted Rs. 50/- from the complainant and one mobile phone worth Rs. 4,000/- from his companion. Both the money and the mobile set have been seized from the co-accused/ juvenile against whom the police has filed supplementary charge sheet which is pending before the Juvenile Justice Board. The applicant is in custody since long.

He is the first offender. He will not commit any offence in future.

He may be enlarged on bail.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicant and submits that the applicant is identified by the victim in a test identification parade and on the basis of memorandum given by the applicant and the co-accused, the said mobile phone and Rs. 50/- were recovered from the co-accused juvenile. Hence instant MCRC may be dismissed. Though he fairly concedes that no criminal antecedent of the applicant has been shown by the police in the case diary.
5. Perused the entire material.
6. As the applicant is in custody since 3 months and 21 days till date, he is first offender, no criminal antecedent is shown against him by the police, mobile phone and Rs. 50/- looted from the victim have been ultimately recovered from the juvenile/co-accused, trial may take some time, on due consideration of the entire fact, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is 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 each of Rs. 25,000/- to the satisfaction of the CJM North Bastar (CG) for his appearance before the said Court regularly as and when directed by the said Court.
7. 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: (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.

8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge