

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3590 of 2017**

- Rajendra Singh S/o Kamal Narayan Kunwar, Aged About 42 Years R/o Village Kolhiyapuri, Police Station Chichola, Tahsil Dongargarh, District Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Its Police Station Supela Civil & Revenue District Durg, Chhattisgarh

---- Respondent

AND**MCRC No. 3630 of 2017**

- Vaibhav Pandey S/o Shri Narendra Pandey Aged About 22 Years R/o Bajrang Nagar, Utai, Police Station Utai, District Durg, Chhattisgarh.

----Applicant

Versus

- The State Of Chhattisgarh Through - The District Magistrate Durg, District Durg Chhattisgarh.

---- Respondent

For Applicants	: Shri Ravi Maheshwari, Advocate for (M.Cr.C. No.3590/17) & Shri Vipin Tiwari, Advocate for (M.Cr.C. No.3630/17)
For Respondent/State	: Shri OP Sahu, Govt. Advocate

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

As both the above mentioned applications arise out of same incident and crime number, both are being disposed of by a common order.

2. These are the applications filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with Crime No.20/2017 registered in Police

Station Supela, Distt. Durg (CG) for the offence punishable under Sections 420, 406, 120-B & 409 of the Indian Penal Code.

3. Learned counsel for the applicants submit that both the applicants have been arrested on 05.01.2017, after investigation, concerned police has filed charge sheet which is pending as Criminal Case No.1852/17 before Judicial Magistrate First Class, Durg.

4. Learned counsel appearing for applicant Rajendra Singh submits that applicant Rajendra Singh had no connection with said Quick Deal Courier Company, where co-accused Vaibhav Pandey was the manager. He is in custody since 05.01.2017. Though during investigation police has recorded his disclosure state but on the basis of said memorandum nothing has been seized or no any material information is surfaced. With this, there is absolutely no legally admissible material to convict the applicant, hence, he may be granted bail.

5. Learned counsel appearing for applicant Vaibhav Pandey submits that applicant Vaibhav Pandey was working in the said company as Manager, when there was a theft in the godown of the company, he lodged complaint regarding theft of articles worth Rs.1,00,000/-. The articles seized from the applicant on the basis of the memorandum given by him were the articles already kept in the godown and were not stolen and the said articles were not identified. He is in custody since long, hence, he may be granted bail.

6. Per contra, learned counsel for the State opposes the bail applications on the ground that on the basis of the disclosure statement certain articles were seized from the applicants.

7. Perused the entire material

8. Applicant Vaibhav Pandey was the employee of the said courier company and as per the material surfaced, he had lodged false FIR regarding theft of articles worth Rs.1,00,000/- which were entrusted to him and on the basis of his disclosure statement, certain articles were seized from him. Looking to the entire facts surfaced, I am not inclined to grant bail to him.

9. Consequently, M.Cr.C. No.3630/2017 filed on behalf of applicant Vaibhav Pandey under Section 439 of the Cr.P.C. is hereby dismissed.

10. So far as the case of applicant Rajendra Singh is concerned, it appears that there is no legally admissible evidence prima facie against him for the purpose of appreciation of the instant bail application. Hence, 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, M.Cr.C. No.3590/2017 filed by applicant Rajendra Singh under Section 439 of the Cr.P.C. is allowed.

12. It is directed that applicant Rajendra Singh shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- with one solvent surety of like sum amount to the

satisfaction of Judicial Magistrate First Class, Durg 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