

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 3725 of 2017

- Sagar @ Golu Chaturvidani S/o Shri Suraj Chaturvidani, Aged About 18 Years, R/o Talapara, Thana Civil Line Tahsil & District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh through the Station House Officer, Police Station Tarbahar, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Bhuvneshwar Singh Rajput, Advocate.
For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order on Board

22-06-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.56/2017 on 06-3-2017 by P.S. Tarbahar, District Bilaspur, C.G. for the offence under Section 379/34 of the IPC. After investigation police had filed the charge sheet which is pending before the JMFC Bilaspur, C.G. as Criminal Case No.966/2017. Learned counsel for the applicant would further submit that as per the allegation, co-accused Sheikh Sajid @ Sonu opened the dickey of a motorcycle, took one bag from it in which Rs.98,500/- was found, out of which the applicant was given Rs.26,000/- as his share and remaining amount were distributed to other co-accused. The said Rs.26,000/- was duly recovered from the applicant. The applicant is in custody since 3 months and 15 days. There is no any criminal antecedent of the applicant. charge sheet has been filed. Trial may take some time. Co-accused Sahil Khan @ Gulshan was granted bail by this Court vide order dated 11-04-2017 in MCRC No.1985 of 2017. The case of present applicant is similar to the case of co-accused Sahil Khan @ Gulshan who was granted bail by this Court. The applicant is first offender. He will not commit any offence in future. He may be granted bail during trial.
3. Per contra, learned counsel for the State/non-applicant opposed the

argument advanced on behalf of the applicant and would submit that looking to the manner by which the theft was committed, the applicant may be denied bail.

4. Perused the entire material.

5. On due consideration, as the applicant is in custody since three months and 16 days till date, charge sheet has been filed, trial may take some time, the applicant is first offender, case of the present applicant is similar to the case of Sahil Khan @ Gulshan who was granted bail by this Court, and as the total amount received by the applicant was recovered from the applicant, I am inclined to grant one opportunity 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 Bilaspur, C.G. for his appearance before the said Court as and when directed.

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