

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2597/2017**

Harendra Kumar @ Prims S/o. Ramchandra Yadav,  
aged about 19 years, R/o. Laxmanpur, P.S. .Mufashil,  
Distt. Aara Bihar

**Versus**

State of Chhattisgarh, through the Station House officer,  
Katghora, distt. Korba (CG)

**MCRC No. 4350/2017**

Chandan Sing, S/o. Muni Sing, aged about 21 years, R/o.  
Bhakura, Police Station Mufasil, Distt. Aara (Bihar)

**Versus**

State of Chhattisgarh, through the Station House officer,  
Police Station Katghora, Distt. Korba (CG)

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For applicant in MCRC No. 2597/2017 Mr. Brijesh Kumar Singh, Adv.  
For applicant in MCRC No. 4350/2017 Mr. S.R.J. Jaiswal, Adv.  
For Respondent/State Mr. Neeraj Jain, Govt. Adv.

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**Hon'ble Shri Justice Chandra Bhushan Bajpai****Order On Board****7-9-2017**

1. As MCRC 2597/2017 and MCRC 4350/2017 arise out of same incident and crime number, they are being disposed of by this common order.
2. The applicants have preferred these applications for grant of bail as they are arrested 5-2-2017 in connection with Crime No. 38/2017 registered in PS Katghora, Distt. Korba (CG) for offence punishable under Section 394, 506-II, 397, 34 of the Indian Penal Code, 1860.
3. Learned counsel for the applicants submit that after investigation charge sheet has been filed against the present applicants and one co-accused Abhishek Chakravarty and the same is pending before the JMFC Katghora Distt. Korba as Cr. Case No.

160/2017. C-accused Abhishek Chakravarty has not preferred any petition for grant of bail. These are their first bail applications before this Court. They are first offenders. As per allegation, they stopped the complainant and looted money of Rs. 4,500/- and also assaulted the complainant and the helper of Truck Trailer No. CG 12 S 5689. They will not commit any offence in future. He submits that another matter in row was registered against all the three accused persons as Crime No. 39/2017 by the same police station and in the said matter after investigation police filed charge sheet against all the three accused persons which is pending as Cri. Case No. 161/2017. In the said matter, it is alleged that all the three accused stopped the complainant who was driving commercial 407 vehicle bearing registration No. MP 19 GA 1903 and looted Rs. 14,000/- from the driver/complainant. Except these matters, the applicants were not involved in any of the offence. They are aged about 19 and 21 years. They are resident of Distt. Aara (Bihar) but looking to the entire period of detention, they may be enlarged on bail.

4. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicants in the light of the manner the crime is committed and also as the applicants looted money in row from two vehicle drivers, one after another and also as the applicants are residents of Distt. Aara (Bihar), instant MCRCs may be dismissed.
5. Perused the matter.
6. As the applicants are in custody since 7 months and 2 days till date, charge sheet has been filed, trial may take some time,

applicants are aged about 19 and 21 years, they have no criminal antecedent except these two matters, though the applicants belongs to other State, but it may not be the sole reason to deny bail. Looking to the entire facts, I am inclined to grant last opportunity to the applicants to live peacefully in the society without committing any crime. Consequently, instant MCRCs are allowed. The applicants are directed to be released on bail on each of their furnishing a personal bond in the sum of Rs. 1,00,000/- with two local sureties each of Rs. 50,000/- for each applicant to the satisfaction of the Trial Judge for their appearance before the said trial Court till disposal of the trial regularly as and when directed by the said Court.

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; (iv) the trial Court finds that the applicants remain absent without any sufficient and cogent reason. The applicants are further directed to appear before the concerned SHO/IO/in-charge of the Police Station Katghora, Distt. Korba (CG) on 1st and 3rd Monday of every month at 11 am positively till trial. If the applicants fail to do so, concerned police may intimate the trial Court and if the trial Court hold that the applicants remain absent without any cogent and proper reason as directed, the bail granted to applicants shall stand cancelled by the trial Court

without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

8. It is further directed that if any criminal antecedent of the applicants is known to the police subsequently, they shall place the matter regarding criminal antecedent before the concerned trial Judge. The concerned trial Judge after appreciating the said fact may pass orders regarding cancellation of bail under intimation.
9. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.
10. Copy of the order be placed in the file of MCRC No. 4350/2017.
11. CC as per rules.

**Sd/-**  
**(Chandra Bhushan Bajpai)**  
**Judge**

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