NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3705 of 2017

Shibbu @ Sameer Khan S/o Ramjan Khan, Aged About 22 Years R/o Gandhi Chowk, Bilaspur, Police Station City Kotwali Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Sarkanda, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For applicant — Mr. UKS Chandel, Adv.
For Respondent/State — Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

27-6-2017

1. Heard finally.

2. The applicant has preferred this application for grant of bail as he is arrested on 9-6-2016 in connection with Crime No. 380/2016 registered in PS Sarkanda, Bilaspur, Distt. Bilaspur for offence punishable under Section 457, 380, 411, 34 of the IPC.

3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the JMFC, Bilaspur as criminal case number 8051/2016. As per allegation, from the grocery shop/daily need shop, the applicant and other co-accused entered into the shop by breaking shutter and stolen articles and from applicant, articles worth Rs. 10,000/- have been recovered. The applicant is in jail since more than 1 year. He will not commit any offence in future. He may be granted bail during trial.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of learned counsel for the applicant and submits that another matter as Crime No. 356/2016 by Sarkanda Police has also been registered against the applicant under Section 457, 380, 411/34, IPC for trespass and theft of articles and police has recovered articles valued Rs. 5,000/- from the applicant which goes to show the

criminal antecedent of the applicant hence instant MCRC may be rejected.

5. Perused the entire matter.

6. On due consideration as the applicant is in custody since more than a year and value of the stolen property is Rs. 10,000/-, though one more crime is registered against the applicant as aforementioned, but looking to the entire facts of the case, 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the JMFC Bilaspur 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

Pathak