

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3839 of 2017

- Vikas S/o Narottam (wrongly mentioned as Narouttam), Aged About 19 Years, Caste Mahkul, R/o Village Trikutipara, Ludeg, Tahsil Patthalgaon, Police Station Patthalgaon, District Jashpur, Chhattisgarh
- Barat Kumar S/o Fatteram, Aged About 23 Years, Caste Ghasiya, R/o Village Trikutipara, Ludeg, Tahsil Patthalgaon, Police Station Patthalgaon, District Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Patthalgaon, District Jashpur, Chhattisgarh

---- Non-applicant

For Applicants – Shri U.K.S. Chandel, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order on Board

05-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.36/2017 on 02-3-2017 by P.S. Patthalgaon, District Jashpur, C.G. for the offence under Section 392, 394/34 of the IPC. After investigation police had filed the charge sheet which is pending before the JMFC Patthalgaon, C.G. as Criminal Case No.120/2017. Learned counsel for the applicants would further submit that the applicants are first offender with no criminal antecedent. As per the allegation, after causing simple hurt to complainant Chhangaram, driver of the container vehicle, they robbed Rs.4,750/- and one mobile of Lava company. During investigation from applicant No.1 Vikas Rs.1750/- and one mobile of Lava company has been seized and from applicant No.2 Barat Kumar cash Rs.3000/- has been seized. The applicants will not commit any offence in future. No any MLC report regarding the complainant was ever produced, it goes to show that there was no any noticeable injury sustained by the complainant. Trial may take some

time and the matter is triable by Magistrate First Class. Applicant No.1 is aged about 19 years and applicant No.2 is aged about 23 years. They may be granted an opportunity to remain in bail during trial.

3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicants and submitted that as the applicants after committing *marpeet* with the complainant, robbed one mobile and cash Rs. 4750/-, the instant MCRC may be dismissed.

4. Perused the entire material.

5. As both the applicants are in custody since 4 months and 3 days, charge sheet has been filed, trial may take some time, the applicants are 19 years and 23 years of age, they are first offender, they had no criminal antecedent, and upon considering the amount so robbed and mobile from the complainant, I am inclined to grant one last opportunity to the applicants so that they shall not involve themselves in any crime and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Judicial Magistrate First Class Patthalgaon, District Jashpur, C.G. for their appearance before the said Court as and when directed till trial.

6. 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; and (iv) the trial Court finds that the applicants remain 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. It is further directed that the applicants shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Patthalgaon, District Jashpur, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of said criminal case against them. If the applicants failed to mark their appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicants were not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicants shall stand cancelled by the trial Court without further reference to the Bench.

8. 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.

9. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE