

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3838 of 2017**

1. Chumman Verma S/o Jaita Verma, Aged About 34 Years R/o Village Joratarai, Police Station Khairagarh District Rajnandgaon, Chhattisgarh
2. Vijay Verma S/o Begraha Verma, Aged About 30 Years R/o Village Joratarai, Police Station Khairagarh District Rajnandgaon, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through The Police Station Khairagarh District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicants	: Shri Shaleen Singh Baghel, Advocate
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****30.6.2017**

Heard the matter finally.

2. This is an application 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.44/2017 registered in Police Station Khairagarh, Distt. Rajnandgaon (CG) for the offence punishable under Sections 341, 147, 149, 294, 323, 506, 435, 395, 427, 201 of the Indian Penal Code.

3. Learned counsel for the applicants submits that applicant No.1 has been arrested on 14.02.2017 and applicant No.2 has been arrested on 18.02.207. After investigation, police has filed charge sheet against seven accused persons which is registered as

Criminal Case No.08/17 and the same is pending before Additional Chief Judicial Magistrate, Khairagarh. The applicants are the first offenders, they will not commit any offence in future, the trial may take sometime for its conclusion. Applicant No.1 is in custody for 4 months and 16 days and applicant No.2 is in custody for 4 months 12 days. Five other co-accused persons were granted bail by the Co-ordinate Bench of this Court vide order dated 12.6.2017 in M.Cr.C. No.1920/2017 & 1975/2017 and order dated 14.6.2017 in M.Cr.C. No.3962/2017. Case of the applicants is at par with the remaining five accused persons who were already granted bail by the Co-ordinate Bench of this Court on the principle of parity and other facts, hence, present applicants may also be granted bail.

4. Per contra, learned counsel for the State opposes the bail application.

5. Perused the entire material.

6. On due consideration of the fact that the applicants are in custody for about four months, they are the first offenders, other co-accused persons have already been granted bail and case of the present applicants is similar to those co-accused persons and considering the entire facts, I am inclined to grant one opportunity to the applicants, so that they shall not commit any similar or other offence in future.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- each with two

separate solvent sureties of Rs.25,000/- to the satisfaction of the Additional Chief Judicial Magistrate, Khairagarh for their appearance before the said Court as and when directed.

9. 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 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