

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3851 of 2017

- Raju Sahni S/o Rajkumar Sahni, Aged About 21 Years, R/o Pandasarai, Police Station Lahariyasay, District Darbanga (Bihar), presently residing at Village Saragbundiya, Police Station Urga, Tahsil and District Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police of Police Station Urga, District Korba, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Gulati, 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 applicant would submit that the applicant held arrested in connection with Crime No.99/2017 on 09-5-2017 by P.S. Urga, District Korba, C.G. for the offence under Section 379 of the IPC. After investigation police had filed the charge sheet which is pending before the JMFC Korba, C.G. as Criminal Case No.956/17. The applicant is first offender. On the basis of disclosure statement one water monitor has been seized from the applicant valued Rs.20,000/- whereas the written report lodged regarding three water monitor approximately valued Rs.60,000/-. There is no any investigation disclosed in the charge sheet for other alleged two water monitor what was the result of the investigation. The applicant 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 on the basis of the fact that after the disclosure statement given by the applicant police seized one water monitor for which the applicant was not having any ownership of the said monitor. The applicant is resident of Bihar.

4. Perused the entire material.

5. As the applicant is in custody since 1 month and 26 days till date, charge sheet has been filed, trial may take some time, there is no any earlier criminal antecedent reported by the Uрга police against the applicant, in the present matter property worth Rs.20,000/- has been seized from the applicant, on consideration of the entire facts, 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of Judicial Magistrate First Class Korba, C.G. for his appearance before the said Court as and when directed till trial.

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