

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3946 of 2017**

Rajendra Shikari S/o Bannulal Shikari, Aged About 26 Years R/o Village Matiyari, Police Station Seepat, Tehsil Masturi, District Bilaspur Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through : Police Station, Chakarbhata, District Bilaspur, Chhattisgarh.

---- Respondent

For applicant	Mr. Rajesh Roshan Singh, Adv.
For Respondent/State	Mr. Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****13-7-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 21-3-2017 in connection with Crime No. 107/2017 registered in PS Chakarbhata, Distt. Bilaspur for offence punishable under Section 392 of the Indian Penal Code, 1860.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed and the same is pending before the JMFC, Bilha, Distt. Bilaspur as Cri. Case No. 272/2017. This is his first bail application before this Court. He is first offender. As per allegation, the applicant looted one mobile set from the pocket of the complainant valued at Rs. 18,000/-, thereafter the persons nearby and police people caught hold the applicant and seized the said mobile set. He will not commit any offence in future if granted bail. He may be granted bail as the trial may

take time.

4. Per contra, learned State counsel opposes the bail application on the basis of the manner in which the applicant looted the property. However he fairly concedes that no criminal antecedent of the applicant is reported by the police in the case diary.
5. Perused the matter.
6. On due consideration, as the applicant is the first offender, he is in jail since 3 months and 22 days, charge sheet has been filed, trial may take some time, the mobile robbed has been recovered immediately and as submitted he will not commit any crime in future, 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. 50,000/- with two solvent sureties each of Rs. 25,000/- to the satisfaction of the JMFC Bilha, Distt 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. The applicant is further directed to

appear before the concerned SHO/IO/in-charge of the Police Station Chakarbhata, Distt. Bilaspur on every 1st and 3rd Monday at 11 am positively till trial. If the applicant fail to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant 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. 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. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge