

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4235 of 2017**

- Kanhaiya Lal Rajpal S/o Shri Lalchand Rajpal, Aged About 34 Years R/o P. R. S. Colony New Rajendra Nagar Raipur Chhattisgarh Police Station New Rajendra Nagar, District Raipur Civil And Revenue District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Raipur Chhattisgarh

---- Respondent

For Applicant : Shri Ajay Mishra, Advocate
 For Respondent/State : Shri Sumit Jhawar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26.7.2017**

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 applicant, who has been arrested in connection with Crime No.01/2017 registered in Police Station New Rajendra Nagar, Raipur (CG) for the offence punishable under Section 379 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 02.02.2017, after investigation police has filed charge sheet which is registered as Criminal Case No.2127/2017 pending before Judicial Magistrate First Class, Raipur. As per the allegation, the applicant has stolen cycle worth Rs.2,000/- which was ultimately recovered. One more matter i.e.

Crime No.14/17 under Section 379 IPC has also been registered against the applicant in Rajendra Nagar Police Station and in that matter also police has filed charge sheet which is registered as Criminal Case No.2128/2017 the same is also pending for consideration and in that matter the allegation against the applicant is that he had stolen cycle worth Rs.2,000/- and the said cycle was also recovered. There is no other case except these two cases registered against the applicant. Looking to the period of detention and other facts, he may be released on bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant on the basis of the aforementioned matters registered against him.

5. Perused the entire material.

6. The applicant is in custody for five months and twenty four days, in both the matters value of the property is Rs.2,000/- each and both the cycles were recovered from the applicant. Except these two cases, no other criminal antecedent is reported against the applicant. On due consideration of the entire facts and circumstances of the case, I am inclined to grant bail to the applicant.

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

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.20,000/- with one solvent surety of like sum amount to the satisfaction of the

concerned trial Judge for his appearance before the said Court as and when directed.

9. 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 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