

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3922 of 2017

1. Chamesh Kumar Teta S/o Ramuram Teta, Aged About 20 Years, By Caste Gond, R/o Sagarpara Kenvti, Thana and Tahsil Bhanupratappur, District Uttar Bastar Kanker, Chhattisgarh.
2. Ashok Koreti S/o Mehatarram Koreti, Aged About 22 Years, By Caste Gond, R/o Sagarpara Kenvti, Thana and Tahsil Bhanupratappur, District Uttar Bastar Kanker, Chhattisgarh.
3. Sanjay Salam S/o Late Ramprasad Salam, Aged About 25 Years, By Caste Gond, R/o Sagarpara Kenvti, Thana and Tahsil Bhanupratappur, District Uttar Bastar Kanker, Chhattisgarh.

---- Applicants

Versus

- The State Of Chhattisgarh Through Police Station Bhanupratappur, District Uttar Bastar Kanker, Chhattisgarh.

---- Non-applicant

For Applicants – Shri Parag Kotecha, Advocate.

For Non-applicant/State – Shri U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

13-07-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.26/17 on 26-3-2017 by P.S. Bhanupratappur, District North Bastar Kanker, C.G. for the offence under Section 457, 380 of the IPC. After investigation police had filed the charge sheet which is pending before the JMFC Bhanupratappur, C.G. as Criminal Case No.107/17. Learned counsel for the applicants would further submit that all the applicants are first offender with no criminal past. The property stolen, mobile and its accessories are worth Rs.18,500/- only and almost all the stolen property is recovered from the applicants. Trial may take some time. They may be granted bail during trial.
3. Per contra, learned counsel for the State/non-applicant opposed the argument advanced on behalf of the applicants and would submit that in the intervening night of 14-03-2017 and 15-03-2017 the applicants had broken the

shutter lock and entered in the said mobile shop and stolen the property valued Rs.18,500/-. Looking to the act and the value of the property, the instant MCRC may be dismissed, though he fairly conceded that there is no any earlier criminal antecedent of the applicants.

4. Perused the entire material.

5. As the applicants are in custody since 3 months and 16 days till date, they are the first offender, upon considering the value of the property stolen and the recovery from the applicants and the fact that the trial may take some time, 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.25,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Bhanupratappur, District North Bastar Kanker, 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. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE