

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.3990 of 2017**

- Sanjay Yadav S/o Shri Vinod Yadav, Aged About 25 Years R/o Kailash Nagar, Birgaon, Police Station Khamtarai, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Khamtarai, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri CR Sahu, Advocate
 For Respondent/State : Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21.7.2017**

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.89/2017 registered in Police Station Khamtarai, Distt. Raipur (CG) for the offence punishable under Sections 392/34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 15.02.2017, after investigation, concerned police has filed charge sheet which is pending before Judicial Magistrate First Class, Raipur as Criminal Case No.2845/17. Learned counsel for the applicant would submit that the applicant is the first offender, co-accused Nagesh Pandey has been granted bail vide order dated 10.5.2017 in M.Cr.C. No.2641/2017 by this

Court, case of the present applicant is similar with the co-accused and as per the allegation applicant and the co-accused looted a mobile phone and cash of Rs.5000/- from complainant Pyare Das. The applicant will not commit any offence in future. The cell phone and looted money of Rs.2,000/- was recovered from present applicant and Rs.1500/- was recovered from co-accused Nagesh Pandey, he will not commit any offence in future, the trial may take sometime for its conclusion, hence he may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant on the basis property looted from the complainant, though he submits that the police has not noticed any criminal antecedent in respect of present applicant.

5. Perused the entire material.

6. On due consideration, the applicant is in custody for five months and six days, charge sheet has been filed, the trial may take sometime for its conclusion, case of the present applicant is at par with co-accused Nagesh Pandey, the property looted from the complainant were recovered from the accused as aforementioned, the matter is triable by Judicial Magistrate First Class, I am inclined to grant one last opportunity to the applicant so that he shall not commit any offence in future and shall remain peacefully in the society.

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.50,000/- with two separate solvent sureties of Rs.25,000/- to the satisfaction of Judicial Magistrate First Class, Raipur 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.

10. It is further directed that till the conclusion of the trial, present applicant shall mark his appearance before the Station House Officer/IO, Police Station Khamtarai, Distt. Raipur **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicant without any cogent and proper reason does not appear before the Police of Police Station Khamtarai, Distt. Raipur as directed, the concerned police may

inform the trial Court for the act and if his non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE