

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4375 of 2017**

- Durgesh Shrivastava S/o Shri Shambhu Shrivastava Aged About 28 Years R/o Mauharpara, Ward No.4 Manendragarh Police Station Manendragarh District Koriya, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Manendragarh District Koriya, Chhattisgarh.

---- Respondent

For Applicant : Shri Dheerendra Pandey, Advocate
 For Respondent/State : Shri Sumit Jhavar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****10.8.2017**

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.302/2016 registered in Police Station Manendragarh, distt. Koriya (CG) for the offence punishable under Sections 457 and 380, 34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 22.11.2016, after investigation, concerned police has filed charge sheet against present applicant and two other co-accused Raju Singh & Nasaruddin @ Guddu, which is pending before Judicial Magistrate First Class, Manendragarh as Criminal Case No.834/2016. Learned counsel for the applicant

would submit that the applicant is aged about 28 years, he is in custody since long, though against the applicant Crime No.296/16, 105/16, 356/16 have been registered for similar offence, but in Crime no.356/16 the trial Court has granted bail which was registered before the trial Court as Criminal Case No. 857/16. The applicant is in custody since long and from the applicant police during investigation, seized only Rs.200/-, and looking to the entire facts and the period of detention and also the applicant will not commit any offence in future, he may be granted bail. He further submits that MCRC No.4112/17 and 4369/17 are also pending for other two criminal matters before this Court. Looking to his long detention and other facts, he may be granted bail during trial.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant and would submit that looking to the involvement of the applicant in four similar offence and also considering his criminal past, instant bail application may be dismissed.

5. Perused the entire material.

6. On due consideration of the fact that the applicant is in custody since eight months and eighteen days, the trial may take sometime for its conclusion, only cash of Rs.200/- is seized from the applicant, though as aforementioned three more matters is pending against the applicant, I am inclined to give one last

opportunity to the applicant so that he shall not involve in any other 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.1,00,000/- with two separate solvent sureties of Rs.50,000/- to the satisfaction of the Judicial Magistrate First Class, Manendragarh, Distt. Koriya 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 Manendragarh, Distt. Koriya **on every Monday 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 Manendragarh Distt. Koriya 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