

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4240 of 2017**

Raju S/o Late Dhurandhar Singh, Aged About 50 Years R/o
Village Birjhapur, Police Station Dhamdha, District Durg CG

---- Applicant**Versus**

State Of Chhattisgarh Through : Police Station Gandai, District -
Rajnandgaon, CG.

---- Respondent

For applicant	Mr. Vinod Deshmukh, Adv.
For Respondent/State	Mr. Vinod Tekam, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****1-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 31-5-2017 in connection with Crime No. 235/2016 registered in PS Gandai, Distt. Rajnandgaon (CG) for offence punishable under Section 411 of the Indian Penal Code, 1860.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed against 3 accused persons namely Santram Pardhi, Pyarelal and the present applicant, the same is pending before the JMFC Chhuikhadan, Distt. Rajnandgaon as Cr. Case No. 349/2017. It is submitted that allegation against the applicant is only under Section 411 of the IPC whereby it is alleged that he had purchased silver and gold ornaments worth Rs. 2,000/- only knowing well that the said ornaments relate to a theft case. The applicant will not commit any offence in future.

He may be enlarged on bail during trial and his case is distinguishable from that of co-accused charges against whom are for offence under Section 457, 380 of the IPC.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant. However he fairly conceded 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 2 months and 2 days, charge sheet is filed, charge against the applicant is only for offence under Section 411 of the IPC, and as submitted he will not commit any offence in future and as per allegation the theft property purchased was of Rs. 2,000/- only, on consideration of entire facts, 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. 25,000/- with one solvent surety of the like sum to the satisfaction of the JMFC, Chhuikhadan, Distt. Rajnandgaon, 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. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pathak