

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4202 of 2017**

- Prakash Tiwari S/o Shri Rajkumar Tiwari, Aged About 18 Years
R/o Bandhwapara Sarkanda, Police Station Sarkanda, District
Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Shri Amit Kumar Chaki, Advocate
For Respondent/State : Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****27.7.2017**

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.72/2017 registered in Police Station Sarkanda, Distt. Bilaspur (CG) for the offence punishable under Sections 380 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 11.02.2017, after investigation police has filed charge sheet against which is pending before Chief Judicial Magistrate, Bilaspur as Criminal Case No.647/2017. As per the allegation, the applicant had stolen three mobile phone sets worth Rs.25,000/- and during investigation two mobile sets were

recovered. The applicant is aged about 18 years, he is in custody since long, the trial may take sometime for its conclusion, if an opportunity is given, the applicant will not commit any offence in future. Hence, his bail application may be dismissed.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant and would submit that earlier following matters have been registered against the applicant in addition to the present matter.

Sl. No.	Crime No.	Offence U/S.
01.	378/2013	380 IPC
02.	466/2016	380 IPC
03.	95/2017	380 IPC

Looking to the fact that there are many number of cases in the city regarding theft, instant bail application may be dismissed.

5. Perused the entire material.

6. The applicant is in custody for five months and sixteen days, the trial may take sometime, the applicant is aged about 18 years, though earlier aforementioned matters have been registered against the applicant, looking to the entire facts, I am inclined to grant last opportunity to the applicant so that he will 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.1,00,000/- with two separate solvent sureties of Rs. 50,000/- 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.

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 Sarkanda, Bilaspur **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 Sarkanda, Distt. Bilaspur 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