

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4241 of 2017**

- Dhaneshwar Verma S/o Bishat Verma, Aged About 22 Years
Caste - Lodhi, R/o Village Dilapahari, Post Office & Police
Station Lalbag, District Rajnandgaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Dongargarh, District Rajnandgaon Chhattisgarh

---- Respondent

For Applicant : Shri Shivendu Pandya, Advocates
For Respondent/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****01.8.2017**

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.130/2017 registered in Police Station Dongargarh, Distt. Rajnandgaon (CG) for the offence punishable under Sections 457, 380 & 411 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 23.4.2017, after investigation police has filed charge sheet which is pending before Judicial Magistrate First Class, Dongargarh Distt. Rajnandgaon as Criminal Case No.188/2017. Learned counsel for the applicant would submit that charge sheet is filed against present applicant and co-

accused Hiren @ Raja Verma, who has already been granted bail by the court below. But he is not specific whether bail granted to Hiren is by the trial Court or by the Sessions Court. He further submits that the applicant is in custody since long, he is the first offender, he will not commit any offence in future and as per allegation, the applicant had stolen property worth Rs.70,000/- from one rice mill. The entire stolen property seized from the applicant is recorded in the seizure memo. With this, entire property is recovered. The applicant will not commit any future. He may be granted bail.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant on the basis of the value of the property stolen by the applicant after trespass.

5. Perused the entire material.

6. The applicant is in custody since three months eight days, he is the first offender and also total property stolen has already been recovered from the applicant and also considering the other facts, I am inclined to grant one 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.50,000/- with one solvent surety of like sum amount to the satisfaction of the

concerned trial Court 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 Dongargarh, Distt. Rajnandgaon **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 Dongargarh, Distt. Rajnandgaon 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