

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4385 of 2017

- Harbansh Kumar S/o Lalluram Banjare, Aged About 35 Years, R/o Village Amtara, Police Station Koni, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Koni, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Hemant Gupta, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

18-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.51/17 on 11-2-2017 by P.S. Koni, District Bilaspur, C.G. for the offence under Section 457, 380 of the IPC. After investigation police had filed the charge sheet, which is pending before the JMFC Bilaspur, C.G. as Criminal Case No.836/17. Learned counsel for the applicant would further submit that the applicant is first offender and as per the allegation, he has stolen property worth Rs.21,400/- as surfaced in the charge sheet one cooler spade and other material; after memorandum statement of the applicant a few articles i.e. one panel board with three grip–two ampere, crow, spade and a few more articles of agricultural and domestic use along with tools were seized from the applicant. He will not commit any offence in future. Trial may take some time. He may be granted bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant, though fairly conceded that there is no any criminal antecedent of the applicant.
4. Perused the entire material.
5. As the applicant is in custody since 6 months and 7 days, trial may take

some time, the applicant is first offender, there is no earlier criminal antecedent, after consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby 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 Judicial Magistrate First Class Bilaspur, C.G. for his appearance before the said Court as and when directed till trial.

6. 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 above, the Court below may proceed further under the provisions of law under intimation.

7. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge