

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4645 of 2017**

- Sayyad Saddam Ali S/o Late Mahboob Ali, Aged about 28 years.
R/o Geetangali City, Sarkanda Police Station Sarkanda Distt.-
Bilaspur (C.G.).

---- Applicant

Versus

- State of Chhattisgarh Through : Police Station Civil Line, Bilaspur
Distt.-Bilaspur (C.G.).

---- Respondent

For Applicant	: Shri Dheerendra Pandey, Advocate
For Respondent/State	: Shri Ashok Swarnkar, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****16.8.2017**

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.818/16 registered in Police Station Civil Line, Distt.- Bilaspur (CG) for the offence punishable under Section 379 of IPC.

3. Learned counsel for the applicant submits that the applicant has been arrested on 28.12.2016, after investigation, concerned police has filed charge sheet against the present applicant which is pending before Chief Judicial Magistrate, Bilaspur Dist- Bilaspur

(C.G.) as criminal case Number 70/17. The applicant is the first offender. As per allegation, on the basis of memorandum statement a stolen Motor cycle bearing Registration No. CG17-K/2429 has been seized from the applicant. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.

4. Per contra, learned counsel for the State opposes the arguments advanced on behalf of the applicant though fairly considered that there is no criminal antecedent reported against the applicant. Hence, the instant M.Cr.C. may be dismissed.

5. Perused the entire material.

6. As the applicant is in custody since seven months, 20 days till date, charge sheet has been filed, the trial may take sometime for its conclusion, applicant is aged about 28 years and no earlier criminal antecedent has been shown in the case diary, I am inclined to grant one opportunity to the applicant, so that he shall not commit any similar or other offence in future.

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 two separate solvent sureties of Rs. 25,000/- to the satisfaction of Chief Judicial Magistrate, Bilaspur Dist.- Bilaspur (C.G.), for his appearance before the said Court as and when directed. 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.

9. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Civil Line Bilaspur on **every 1st and 3rd Monday at 11 am** positively till trial. If the applicant fail to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

10. 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