

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4651 of 2017

- Shailesh Peeter S/o Alcha Peeter, Aged About 19 Years, R/o Rest House Colony, Bemetara, Police Station - Bemetara, Tahsil & District Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through: S.H.O., Police Station - Nawagarh, District - Bemetara, Chhattisgarh

---- Non-applicant

And

MCRC No. 4656 of 2017

- Pradeep Kumar Sahu S/O Gairndal Sahu, Aged About 19 Years, R/o in front of rest house, Bemetara, Police Station Bemetara, Tahsil and District Bemetara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh R/o Through S.H.O. Police Station Nawagarh, District Bemetara Chhattisgarh

---- Non-applicant

For Applicants – Shri Vaibhav A. Goverdhan, Advocate.

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

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

16-08-2017

1. Heard the matter finally.
2. As MCRC No.4651/2017 and MCRC No.4656/2017 arise out of the same crime number and incident, both are being disposed of by this common order.
3. Learned counsel for the applicants would submit that both the applicants held arrested in connection with Crime No.111/17 on 01-6-2017 by P.S. Nawagarh, District Bemetara C.G. for the offence under Section 394/34 of the IPC. After investigation, police had filed the charge sheet which is pending before the JMFC Bemetara, C.G. as Criminal Case No.861/2017. The third co-accused Akash Sharma had not preferred any bail petition before the Court of Sessions and before this Court. Both the applicants are first offender, aged about 19 years and as per the allegation, all the three accused looted one mobile, Rs. 2,500/- cash and Adhar Card and Voter ID from the complainant

Yashwant Kumar Soni. The FIR was registered against the unknown persons. There is no any TIP conducted. As per charge sheet, from the applicant Shailesh Peeter Rs.600/- has been seized and from applicant Pradeep Kumar Sahu one Hero Honda motorcycle No. CG 04 KX 0671 which was used by the accused in commission of crime was seized. As per the allegation, from co-accused Akash Sharma the mobile looted has been seized. The complainant received simple injuries. The applicants will not commit any offence in future. They are in jail since long. Trial may take some time. They may be granted bail till trial.

4. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants and would submit that both the applicants and other co-accused looted the aforementioned property from the complainant after causing simple injuries; as per the facts, as location of the applicants were traced by police during investigation and also when the memorandum statement of co-accuse Akash Sharma was recorded, on the information contained in the said memorandum both the applicants are made accused in the matter. Hence, looking to the entire facts, the instant MCRC may be dismissed.

5. Perused the entire material.

6. As the applicants are in custody since 2 months and 16 days till date, charge sheet has been filed, trial may take some time, both the applicants are aged about 19 years and there is no any criminal antecedent of both the applicants, looking to the entire facts, I am inclined to grant one opportunity to the applicants so that they shall not involve themselves in any offence and shall live peacefully in society. Consequently, both the MCRC are hereby allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.1,00,000/- (Rs. One Lac) with two solvent sureties of Rs.50,000/- each to the satisfaction of the Judicial

Magistrate First Class Bemetara, C.G. for their appearance before the said Court as and when directed till trial.

7. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants remain 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. It is further directed that the applicants shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Nawagarh, District Bemetara, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of the said criminal case against them. If the applicants failed to mark their appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicants were not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicants shall stand cancelled by the trial Court without further reference to the Bench.

9. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.

10. Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
Judge