

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4674 of 2017

- Sumit Mirchandani S/o Dilip Mirchandani, Aged About 20 Years, R/o Gulabnagar, Shiv Vatika, House No. 2, Police Station Sarkanda, Tahsil and District Bilaspur Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri U.K.S.Chandel, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

16-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.422/17 on 10-6-2017 by P.S. Sarkanda, District Bilaspur, C.G. for the offence under Section 394 of the IPC. After investigation police had filed the charge sheet, which is pending before the CJM Bilaspur, C.G. as Criminal Case No.1944/17. The applicant is first offender, aged about 20 years. He will not commit any offence in future and as per the allegation, the applicant looted hand-bag of the complainant and pushed the vehicle in which the complainant was going, with this the complainant received simple injuries, i.e., abrasions and thereafter when the applicant attempted to run away from the spot he himself fell down from his vehicle and thereafter the persons nearby caught the applicant. One ladies purse has been seized from the applicant, in the said purse diaper, one shirt, Rs.100/- cash and one chips packet was also there. Trial may take some time. He may be granted one opportunity to remain in bail during trial.
3. Per contra, learned counsel for the non-applicant/State opposed the

argument advanced on behalf of the applicant and would submit that looking to the act committed by the applicant that too about 10.00 p.m., the instant MCRC may be dismissed.

4. Perused the entire material.

5. As the applicant is in custody since 2 months and 6 days till date, charge sheet has been filed, trial may take some time, the applicant is first offender with no criminal antecedent, aged about 20 years, looking to 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.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate 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. It is further directed that the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Sarkanda, District Bilaspur, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of said criminal case against him. If the applicant failed to mark his 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 applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to the Bench.

8. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Aadil