

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4866 of 2017**

- Ranjeet Bagh S/o Shri Dayasagar Bagh Aged About 25 Years R/o Mandi Gate Police Station- Pandri, Raipur, Tehsil And District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Mowa, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri Shokie Yadav, Advocate
 For Respondent/State : Shri UKS Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****22.8.2017**

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.251/2016 registered in Police Station Mowa, Distt. Raipur for the offence punishable under Sections 394, 34 of Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 15.9.2016, after investigation charge sheet has filed which is pending before Chief Judicial Magistrate Raipur as Criminal Case No.20344/16. The matter is pending for trial, five witnesses have been examined. Named FIR has been lodged against the applicant and other co-accused persons. As

per allegation, all the four accused persons looted Rs.1420/- along with purse and two mobile from the complainant after assaulting him. Co-accused Satish Tiwari @ Ankur has already been granted bail vide order dated 20.3.2017 by the Coordinate bench of this Court. Co-accused Amar Kumar Dwivedi has also been granted bail vide order dated 24.5.2017 in MCRC No.2462/17 co-accused Vipin Dwivedi has been granted bail vide order dated 24.5.2017 in MCRC No.2777/17 by the Coordinate Bench. Case of the present applicant is similar to those co-accused persons, from the possession of the applicant, one purse, Rs.720/-, driving licence of the complainant and photograph of father of the complainant has been seized. In addition, the applicant has been examined during trial and had not supported the case of the prosecution. As there is no criminal antecedent reported against the applicant and also the trial may take some time for its conclusion, he may be enlarged on bail

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that there are sufficient material prima facie so as to connect the applicant with the crime, hence his application for bail may be dismissed.

5. Perused the entire material.

6 The applicant is in custody for eleven months and seven days, charge sheet has been filed, the trial may take some time for its conclusion, he is the first offender, all the above mentioned

co-accused were already granted bail by the coordinate bench of this Court, the matter is triable by JMFC, though purse of the complainant along with Rs.720/- and driving licence of the complainant and photo of the father of the complainant were seized from the applicant, on due consideration of other facts, I am inclined to grant one 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 two solvent sureties of Rs.25,000/- to the satisfaction of the 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 Mova, Distt. Raipur **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 Mova, Distt. Raipur 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