

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4761 of 2017**

- Kishan Yadaw S/o Rajkumar Aged About 25 Years R/o Jorapara, Sarkanda, Police Station Sarkanda, Tahsil & District (Revenue & Civil) Bilaspur Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Civil Line Bilaspur (Wrongly Mentioned As Sarkanda, Bilaspur), District (Revenue & Civil), Bilaspur Chhattisgarh.

---- Non-applicant

For Applicant	: Shri Sumit Jhavar, Advocate.
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26.09.2017**

1. 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. 31/2016 registered in Police Station Civil Line, District Bilaspur, C.G., for the offence under Section 392, 34 of Indian Penal Code.
3. Learned counsel for the applicant submits that the applicant has been arrested on 23.01.2016. After investigation police had filed Charge-sheet which is pending before Chief

Judicial Magistrate Bilaspur, C.G. As Criminal Case No. 1264/2016. Learned counsel for the applicant would submit that applicant is aged about 25 years, no criminal antecedent reported against the applicant, he is in custody since long and as per allegation, applicant and one co-accused Shashikant by sharing common intention looted one mala mule of black pearl and three Golden Locket 3.200 gm worth Rs. 15,000/- from the complainant the said ornament recovered from the co-accused from the present applicant motorcycle bearing registration No. CG 10 EN 6552 is recovered trial is pending since long not yet concluded, applicant he will not commit any offence in future co-accused has not preferred any petition to enlarge him on bail. The present applicant may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant, on the basis of Act, of applicant and co-accused, though fairly considered that there is no criminal antecedent reported against the applicant.
5. Perused the entire material.
6. As the applicant is in custody for 1 year 8 month 3 days, till date, no criminal antecedent noticed by the Civil Lines Police, prior is not yet concluded, the ornament worth Rs. 15,000/- has been recovered from the co-accused and as submit that the applicant will not commit any offence in future, matter is triable by Judicial Magistrate First Class, on

consideration of the entire facts, including long detention, there is no any criminal antecedent of the applicant, I am inclined to grant one opportunity to the applicant so that he may 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. 1,00,000/- with two solvent sureties each of Rs. 50,000/- to the satisfaction of Chief Judicial Magistrate, Bilaspur, 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; (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.
10. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Civil Line,

District Bilaspur, C.G., on every 1st and 3rd Monday of every month at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent reason 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.

11. Certified Copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

Judge