

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4850 of 2017

- Sameer Ali @ Sambhu S/o Sabbir Ali, Aged About 30 Years, R/o Shastri Chowk Near Sahu Kirana Dukan, Kelabadi, Durg, Tahsil and District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The SHO (Chowki Padmanabhpur) City Kotwali Durg, District Durg Chhattisgarh.

---- Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

23-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.75/2017 on 14-2-2017 by Outpost Padmanabhpur, P.S. Durg, District Durg, Chhattisgarh for the offence under Section 457, 380 of the IPC. After investigation police had filed the charge sheet against the present applicant and co-accused Sahrik Khan, which is pending before the JMFC Durg C.G. as Criminal Case No.2374/2017. Co-accused Sahrik Khan has been granted bail by the coordinate Bench in MCRC No.2997/2017 vide order dated 23-05-2017 after appreciating the entire facts and also as the co-accused had no criminal past. The present applicant is also first offender, he will not commit any offence in future and as per the allegation, there was theft valued Rs.1,65,920/- of gold and silver ornaments including Rs.6000/- cash, from the co-accused Sahrik Khan ornaments valued Rs.77,306/- has been seized, from the present applicant gold and silver ornaments valued Rs.82,614/- has been seized. He is in custody since long. He may be granted bail as the trial may take some time.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of the value of the ornaments recovered from the applicant, though fairly conceded that there is no any criminal antecedent of the applicant.

4. Perused the entire material.

5. As the applicant is in custody since 6 months and 9 days till date, charge sheet has been filed, trial may take some time, co-accused Sahrik Khan has been granted bail by the coordinate Bench, the case against the applicant is similar to the co-accused, the applicant is first offender with no criminal antecedent, after consideration of the entire facts, I am inclined to grant one last 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.1,00,000/- (Rs. One Lac) with two solvent sureties of Rs.50,000/- each to the satisfaction of the Judicial Magistrate First Class Durg, 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. Durg, District Durg, C.G. in 1st

and 3rd Monday of every month at 11.00 a.m. sharp till disposal of the 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. 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.

9. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge