

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.4790 of 2017**

- Vishal Lahre S/o Leelagar Lahre Aged About 22 Years R/o Village Kotadabri, Police Station Champa Tahsil And District Janjgir-Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Champa, Tahsil & District Janjgir-Champa Chhattisgarh.

---- Respondent

For Applicant	: Shri Tarun Dansena, Advocate
For Respondent/State	: Shri Vinod Tekam, 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.317/2016 registered in Police Station Champa, District Janjgir Champa (CG) for the offence punishable under Section 392, 394, 34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 10.12.2016, after investigation charge sheet has been filed which is pending before Chief Judicial Magistrate Janjgir Champa as Criminal Case No.40/17. Learned counsel for the applicant would submit that as per information, co-accused Khushlal Daharia has not preferred any MCRC for his release on

bail (A perusal of the office note filed it is also surfaced that there is no information regarding pendency of any MCRC filed by co-accused). Learned counsel for the applicant would submit that from the applicant Rs.1500/- has been seized, besides this there is no evidence so as to implicate him with the crime in question. He was not identified by the victim during test identification parade. The motor cycle used to commit the offence was also not registered in the name of the applicant or his family members. On the other hand, the said motor cycle bearing registration No.CG 11 A 5744 was registered in the name of Puniram, who is the father of co-accused Khushlal. Hence there is no prima facie evidence so as to connect the applicant with crime. Moreover, FIR was also lodged against unknown person. Hence, he may be granted bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that on the basis of the memorandum statement of the applicant, Rs.1500/- has been seized, but fairly considered that there is no criminal antecedent reported against him prior to the present incident.

5. Perused the entire material.

6. The applicant is in custody for eight months and twelve days, charge sheet has been filed, the trial may take some time for its conclusion, there is no criminal antecedent reported against the applicant, there is no incriminating evidence to connect the

applicant with the crime and also he was not identified in the TI Parade. Upon consideration of the entire 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 Police Station Champa, Distt. Janjgir-Champa **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 Champa, Distt. Janjgir-Champa 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