

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 4886 of 2017**

- Mevaram Patel @ Golu @ Chadda S/o Mahavir Patel, Aged About 21 Years R/o Ganesh Chowk Chingrajpara Bilaspur P. S. Sarkanda Tahsil And District Bilaspur Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant : Shri Pravin Kumar Tulsyan, Advocate.
 For Respondent/State : Shri U.K.S. Chandel Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****22.08.2017**

Heard finally.

2. The applicant has preferred this application for grant of bail as he is arrested on 05/07/2016, in connection with Crime No. 443/2016, registered in Police Station Sarkanda, Distt. Bilaspur (C.G.) for offence punishable under Section 380 and 457 of IPC.

3. Learned counsel for the applicant submits that after investigation police had filed which is pending before the Judicial Magistrate First Class (JMFC) Bilaspur, as Criminal Case No. 9201/16. As per allegation the applicant has trespassed in the house of the complainant and he was caught red-handed. Thereafter, during the investigation it is surfaced that the applicant

had stolen 12 eyes of worth Rs 800/- made of silver metal from various mandirs from the idol. He is the first offender and will not commit any offence in future. As the trial may take some time for its conclusion, he may be granted bail during the trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant though fairly conceded that there is no criminal antecedent of the applicant prior to the instant MCRC.

5. Perused the matter.

6. As the applicant is the first offender, he is in custody since 05/07/2016 i.e. 1 year 1 month 17 days till date, charge-sheet has been filed, trial may take some time, as the applicant is the first offender, there is no material in criminal antecedent, applicant is aged about 21 years, and prior to the incident no criminal antecedent reported against the applicant after consideration of the period of detention and also other facts, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime.

7. Consequently, instant MCRC is allowed.

8. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of like some amount to the satisfaction of the JMFC Bilaspur (C.G.), for his appearance before the said Court regularly as and when directed by the said Court.

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. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Sarkanda **on every 1st and 3rd Monday at 11:00 am** 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.

10. Register (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 respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

11. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge