

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4905 of 2017

- Omprakash Jaiswal S/o Rambrij Jaiswal, Aged About 22 Years, R/o Khursheepar Durg Mandir, Ward No. 31, District Durg (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through the District Magistrate, Durg (Chhattisgarh).

---- Non-applicant

And

MCRC No. 4982 of 2017

- Vijay Kumar Chaudhry S/o Ramkishun Chaudhry, Aged About 23 Years, (As per chargsheet) R/o Khursheepar Durga Mandir, Ward No.31, District Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through the District Magistrate, Durg, Chhattisgarh

---- Non-applicant

For Applicants – Shri S.K.Agrawal, Advocate
For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

22-08-2017

1. Heard the matter finally.
2. As MCRC No. 4905/2017 and MCRC No. 4982/2017 arise out of the same crime number and incident, both are being disposed of by this common order.
3. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.430/2017 on 22-5-2017 by Outpost Vaishali Nagar, P.S. Supela, Distt. Durg, C.G. for the offence under Section 392 of the IPC. After investigation police had filed the charge sheet against both the applicants, which is pending before the CJM Durg, C.G. as Criminal Case

No.771/17. Learned counsel for the applicants would further submit that both the applicants are first offender. They will not commit any offence in future and as per the allegation, both the applicants by sharing common intention looted one mobile from the complainant at about 9.00 p.m. at Gole Market, Vaishali Nagar. Thereafter, during investigation the said mobile was seized from applicant Omprakash Jaiswal and the motorcycle used for commission of crime was recovered from applicant Vijay Kumar Chaudhary. They may be enlarged on bail as trial may take some time and both the applicants are aged about 22 and 23 years.

4. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants on the basis of the entire facts, though fairly conceded that there is no any criminal antecedent registered against both the applicants.

5. Perused the entire material.

6. As both the applicants are in custody since 3 months till date, they are first offender, aged about 22 and 23 years, and as per the allegation one mobile looted from the complainant which was ultimately recovered, trial may take some time, they are first offender, upon consideration of the entire facts, I am inclined to grant one opportunity to both the applicants so that they shall not involve themselves in any offence and shall live peacefully in society. Consequently, both the MCRC are hereby allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Chief Judicial Magistrate Durg, C.G. for their appearance before the said Court as and when directed till trial.

7. It is made clear that this order granting bail to the applicants shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicants suppressed filing or pendency of any

other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicants do not cooperate in the trial; (iii) the applicants are found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicants remain 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.

8. It is further directed that till conclusion of the trial the applicants shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Supela, District Durg, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp. If the applicants failed to mark their 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 applicants were not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicants shall stand cancelled by the trial Court without further reference to the Bench.

9. 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.

10. Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE