

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5018 of 2017

1. Ram Prasad S/o Mangal Sai, Aged About 32 Years, R/o Village Rohina, P.S. Bankimongara, Tahsil Katghora, District Korba, Chhattisgarh
2. Ganesh Ram S/o Tikait Ram, Aged About 22 Years, R/o Village Rohina, P.S. Bankimongara, Tahsil Katghora, District Korba, Chhattisgarh
3. Shiv Prasad S/o Fagun Singh Binjhar, Aged About 24 Years, R/o Village Rohina, P.S. Bankimongara, Tahsil Katghora, District Korba, Chhattisgar (Note - The father of applicant No. 3 Bhangul and applicant No. 5 Mohit Dad Son of Gopal Das has been corrected by the office of lower court)
4. Gurudev Yadav S/o Shri Hori Lal Yadav, Aged About 22 Years, R/o Village Rohina, P.S. Bankimongara, Tahsil Katghora, District Korba, Chhattisgarh
5. Mohit Das S/o Gopal Das, Aged About 30 Years, R/o Village Rohina, P.S. Bankimongara, Tahsil Katghora, District Korba, Chhattisgarh (Note - The father of applicant No. 3 Bhangul and applicant No. 5 Mohit Dad Son of Gopal Das has been corrected by the office of lower court)

---- Applicants

Versus

- State Of Chhattisgarh Through: The District Magistrate Korba, District-Korba, Chhattisgarh

---- Non-applicant

For Applicants – Shri Basant Kaiwartya, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

30-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.93/2017 on 14-07-2017 by P.S. Bankimongara, District Korba, Chhattisgarh for the offence under Section 457, 380 of the IPC. After investigation police had filed the charge sheet, which is pending before the JMFC Katghora, District Korba as Criminal Case No.456/17. Learned counsel for the applicants would further submit that as per the allegation, from the applicants cable wire valued Rs.35,000/- along with club, axe and hexablade were seized. The applicants are first offender. They

will not commit any offence in future. They may be granted bail during trial.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants, though fairly conceded that the applicants had no criminal antecedent.

4. Perused the entire material.

5. As the applicants are in custody since 1 month and 16 days till date, charge sheet has been filed, trial may take some time, the applicants are first offender, no criminal antecedent is reported against the applicants, looking to the entire facts, I am inclined to grant one opportunity to the applicants so that they shall not involve themselves in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicants are directed to be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of the like sum to the satisfaction of the Judicial Magistrate First Class Katghora, C.G. for their appearance before the said Court as and when directed till trial.

6. 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.

7. It is further directed that the applicants shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Bankimongara, District Korba, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of said criminal case against them. 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.

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