

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4958 of 2017

- Golu Khan S/o Abdul Jabbar Khan, Aged About 20 Years, R/o Madhya Nagar Chowk Police Station City Kotwali Tahsil And District Bilaspur Chhattisgarh.

---- Applicant

Versus

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

---- Non-applicant

And

MCRC No. 5263 of 2017

- Sanjay Soni @ Billi S/o Shri Ganesh Soni, Aged About 23 Years, R/o Chhoti Koni P.S. Koni Tahsil And District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Civil Line District Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri P.K. Tulsyan, Advocate (in MCRC No.4958/2017).
Shri Dheerendra Pandey, Advocate (in MCRC No. 5263/2017).

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

31-08-2017

1. As MCRC No. 4958/2017 and MCRC No. 5263/2017 arise out of the same crime number and incident, both are being disposed of by this common order.
2. Heard the matter finally.
3. Learned counsel for the applicants would submit that the applicants held arrested in connection with Crime No.62/2017 on 23-2-2017 by P.S. Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh for the offence under Section 457, 380, 34 of the IPC. After investigation police had filed the charge sheet, which is

pending before the CJM Bilaspur, C.G. as Criminal Case No.1194/17. There is one more co-accused Nishant Naidu @ Babu who has been enlarged on bail by this Court in MCRC No.3421/2017 vide order dated 07-07-2017. The case of the present applicants are at par, rather better than the co-accused Nishant Naidu @ Babu. From applicant Golu Khan one trolley bag, two gents suit have been seized, from applicant Sanjay Soni @ Billi one airbag has been seized. They are in custody since long. Trial may take some time. Though earlier a Crime No. 126/2017 under Section 392/34 of the IPC has been registered against both the applicants and co-accused Nishant Naidu @ Babu, all the three co-accused are made accused on the basis of same set of memorandum and both the applicants have been granted bail by the IXth Additional Sessions Judge Bilaspur, C.G.; except this, there is no any criminal antecedent. The applicants are never convicted by any criminal Court, they are aged about 20 and 23 years. They will not commit any offence in future. They may be enlarged on bail.

4. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants and would submit that as per the allegation, two cylinder, one trolley bag, one airbag and some clothes have been stolen on 23-01-2017. The cylinder has been recovered from co-accused Nishant Naidu @ Babu and as aforementioned trolley bag and airbag along with two set of suit have been seized from the applicants and also as the applicants are involved in one matter as aforementioned, the instant MCRC may be dismissed.

5. Perused the entire material.

6. As the applicants are in custody since 6 months and 8 days till date, charge sheet has been filed, the applicant are aged about 20 and 23 years, trial may take some time, though they were also made accused in the aforesaid matter, but in the said matter too both the applicants have been granted bail on

appreciation of entire facts, they are not previous convict, co-accused Nishant Naidu @ Babu has been granted bail by this Court, the case of present applicants are similar to that co-accused though in some extent better than the co-accused, after consideration of 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 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 one solvent surety of the like sum to the satisfaction of the Chief Judicial Magistrate Bilaspur, 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. Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
Judge