

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5219 of 2017**

- Malik Ram Verma S/o Shyamlal Aged About 55 Years R/o Village Kadar, Post Belha District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Neora, District Raipur, Chhattisgarh.

---- Respondent

 For Applicant : Shri Anurag Jha, Advocate
 For Respondent/State : Shri Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

30.8.2017

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.157/2017 registered in Police Station Neora, Distt. Raipur (CG) for the offence punishable under Sections 457, 380, 427, 411, 414, 34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 01.02.2017 after investigation, Police has filed charge sheet which is pending before Judicial Magistrate First Class, Tilda, Distt. Raipur, but learned for the applicant is not aware of the criminal case number. The police has filed charge sheet against total eight accused persons, co-accused Jivanlal Verma has already been granted bail vide order dated 13.6.2017 in MCRC No.3441/2017. Case of the present applicant is similar to the case of co-accused Jivanlal Verma as prima facie it appears that both may be accused of Sections 414 of the IPC for

assisting in concealment of stolen property as the main accused Rahul Sen and Deepak Sen have stolen cash of Rs.4,65,000/- including DBR and monitor. The applicant was not involved in the principal offence. As per the allegation, the applicant along with co-accused Jivanlal Verma were given Rs.3,000/- to purchase a motor cycle, both of them met one Mukesh Verma and offered him Rs.1000/- to purchase a new motor cycle in his name. Mukesh Verma used his Aadhar Card as identity and purchased motor cycle with the stolen amount for the purpose concealment of said stolen cash. The applicant is the first offender, as per the allegation, he has not purchased the said motor cycle with the help of any person and the said motor cycle was in the name of Mukesh Verma, hence, offence against him may be under Section 414/34 IPC. Considering the above facts, the applicant may be enlarged on bail.

4. Per contra, learned counsel for the State opposed the arguments advanced on behalf of the applicant and would submit that for a petty amount offered to the present applicant, he helped the main accused in concealing stolen money. Hence, looking to the facts surfaced, his application for bail may be dismissed.

5. Perused the entire material.

6. The applicant is in custody for eight months, charge sheet has been filed, the trial may take some time for its conclusion, co-accused Jivanlal Verma has already been granted bail by the Coordinate Bench, and role of the co-accused is similar to the present applicant, he has never involved in any of the offence

earlier, he is not the main accused and also considering the other 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.30,000/- with one solvent surety of like sum amount to the satisfaction of Judicial Magistrate First Class, Tilda, Distt. Raipur for his appearance before the said Court as and when directed. Semester

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.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE