

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4996 of 2017

- Rohan @ Bhupendra Ahirwar S/o Manoj Ahirwar, Aged About 19 Years, R/o Panchu Mochi Gali, Ward No.10 Devarikhurd Torwa, Police Station Torwa, District Bilaspur Chhattisgarh.

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri P.K.Tulsyan, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

23-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.142/2017 on 01-5-2017 by P.S. Torwa, District Bilaspur, Chhattisgarh for the offence under Section 457, 382, 34 of the IPC. After investigation police had filed the charge sheet against the present applicant, which is pending before the Special Railway Magistrate Bilaspur, C.G. as Criminal Case No.2004/17. Police had filed supplementary charge sheet against Suraj Yadav and Nilesh Gangotri before Juvenile Justice Board Bilaspur, C.G. The juvenile have been granted bail by the Juvenile Justice Board Bilaspur, C.G. From the present applicant one CPU worth Rs.20,000/- has been seized which is a theft property, and one golden ring, keyboard and computer of Dell company have been seized from the juvenile applicant. The applicant is first offender, though Complaint No.19/16 under Section 41(1)(d) of the Cr.P.C./Section 379 of the IPC has been filed against the applicant as he was in possession of one motorcycle bearing No.CG 10 EE 9572 and the applicant failed to demonstrate the papers of registration and fact about

ownership of said vehicle. In the said matter the applicant has been granted bail by the VIth Additional Sessions Judge Bilaspur, C.G. in Bail Petition No.1621/16 vide order dated 09-12-2016. The applicant will not commit any offence in future. He may be granted bail.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant, though fairly conceded that in the case diary submitted by the Torwa police, there is no any criminal antecedent reported and also submitted that offence under Section 382 of the IPC is grievous in nature.

4. Perused the entire material.

5. As the applicant is aged about 19 years, he is in custody since 3 months and 23 days till date, charge sheet has been filed, trial may take some time, the co-accused juvenile have been granted bail as stated, though the facts surfaced regarding Section 382 of the IPC are serious in nature, but upon considering the period of detention, age of the applicant and other facts, I am inclined to grant one last opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.1,00,000/- (Rs. One Lac) with two solvent sureties of Rs.50,000/- each to the satisfaction of the Special Railway Magistrate Bilaspur, C.G. for his appearance before the said Court as and when directed till trial.

6. 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 above, the Court below may proceed further under the provisions of law under intimation.

7. It is further directed that the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Torwa, District Bilaspur, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of the said criminal case against him. If the applicant failed to mark his 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 applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant 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