

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4984 of 2017

- Sitaram Verma S/o Ajay Ram Verma, Aged About 21 Years, Caste Lodhhi, R/o Boierdih, Police Station & Tahsil - Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Non-applicant

And

MCRC No. 5072 of 2017

- Chandrashekhar Verma S/o Moolchand Verma, Aged About 20 Years, R/o Village Boirdih, Police Station & Tehsil Khairagarh District Rajnandgaon (Chhattisgarh).

---- Applicant

Versus

- State Of Chhattisgarh Through the Police Station Khairagarh, Rajnandgaon (Chhattisgarh).

---- Non-applicant

For Applicant – Shri F.S. Khare, Advocate (in MCRC No.4984/2017)
Shri S.S.Baghel, Advocate (in MCRC No.5072/2017)
For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

24-08-2017

1. Heard the matter finally.
2. As MCRC No. 4984/2017 and MCRC No. 5072/2017 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.197/2017 on 09-7-2017 by P.S. Khairagarh, Rajnandgaon C.G. for the offence under Section 457, 380, 34 of the IPC. Charge sheet has not yet been filed, the applicants are remanded by ACJM Khairagarh, Distt. Rajnandgaon, C.G. Learned counsel for the

applicants would further submit that as per the allegation, both the applicants and juvenile Tman Verma trespassed in the school of Village Ghothia and stolen the property worth Rs. 6,100/- only. Juvenile Toman Verma has been granted bail by the Juvenile Justice Board Rajnandgaon, C.G. Both the applicants are first offender. They will not commit any offence in future. They are aged about 20 and 21 years. Trial may take some time. They may be granted bail till trial.

4. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicants on the basis of the fact that both the applicants and the juvenile stolen the property from the school, though fairly conceded that there is no any criminal antecedent of none of the applicants.

5. Perused the entire material.

6. As both the applicants are in custody since 1 month and 15 days till date, charge sheet has not yet been filed, they are aged about 20 and 21 years, trial may take some time, they are first offender and the property stolen has been recovered, on 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.25,000/- with one solvent surety of the like sum to the satisfaction of the Additional Chief Judicial Magistrate Khairagarh, Distt. Rajnandgaon, 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