

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5001 of 2017**

1. Priti Ranjan Samantray S/o Pravat Kumar Samantray, Aged About 24 Years R/o Thoriasahi, Buxi Bazar, Police Station Mangla Bag, District - Cuttack (Odisha) Mo No. 9776345303

---- Applicant**Versus**

1. State of Chhattisgarh Through: Station House Officer, Police Station : Devendra Nagar, Raipur, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant	: Shri B.P. Singh, Advocate.
For Respondent/State	: Shri U.K.S. Chandel, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****28.08.2017**

1. Heard the matter finally.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.34/2017, Police Station – Devendra Nagar, District – Raipur, (C.G.) for offence punishable under Sections 379, 411 of Indian Penal Code. The applicant is arrested on 13.05.2017. After investigating police filed charge-sheet against the present applicant and also shown unknown accused persons absconding which is registered as Criminal case No.

5201/2017 presently pending before Judicial Magistrate First Class, Raipur (C.G.). As per allegation, the applicant has received stolen property of two Mobile sets worth Rs. 29,970/-. He is the first offender and he will not commit any offence in future. He may be granted an opportunity to remain in bail as trial may take sometimes.

3. Per Contra, learned counsel for the respondent/State opposes the arguments on behalf of the applicant on the basis of the fact that applicant is the receiver of stolen property though fairly considered that there is no criminal antecedent reported against the applicant.

4. Perused the entire matter.

5. As the applicant is in custody for three months fifteen days till date, charge-sheet has been filed, trial may take sometime, though the applicant is the resident of District Cuttack, Odisha, this fact alone cannot be denied for bail. And also there is no Criminal antecedent reported against the applicant, after consideration of entire material collected during investigation, I am inclined to grant an opportunity so that he will not involve himself in any of the offence in future.

6. Consequently, instant MCRC is allowed.

7. The applicant is directed to be released on bail on furnishing a personal bond in the Sum of Rs. 50,000/- with two solvent sureties each of Rs. 25,000/- to the satisfaction of the Judicial Magistrate First Class, Raipur, for his appearance before the said Court regularly as and when directed by the

said Court.

8. 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; (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.
9. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Devendra Nagar Raipur, Disstt. Raipur on 1st Monday of every month till the conclusion of the trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent reason and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
10. Register (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 respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

11. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge

Pawan