

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5165 of 2017**

- Rishab Singh Thakur, S/o Shri Shivshankar Thakur, Aged About 22 Years, R/o Bhatagaon, Bazar Chowk, Pahadi Talab, Kushalpur, Raipur, Post Office Raipur, Police Station Purani Basti, Tahsil & District Raipur (Chhattisgarh).

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Mujgahan, District Raipur (Chhattisgarh).

---- Respondent**AND****MCRC No. 5193 of 2017**

- Dushyant Lakhotiya S/o Santosh Kumar Lakhotiya, Aged About 21 Years R/o Vikas Vihar Colony, Police Station D. D. Nagar, Raipur, District Raipur, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant in MCRC No.5165/17	: Shri Shivendu Pandya, Advocate
For Applicant in MCRC No.5193/17	: Shri P.P. Sahu, Advocate.
For Non-applicant/State	: Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****30.08.2017**

As both the cases arise out of the same crime number and incident, both are being disposed of by a common order.

2. Learned counsel for the applicant would submit that both the applicants were arrested on 22/07/2017 in connection with the Crime No.70/2017, registered in Police Station Mujgahan, Distt. Raipur (C.G.) for the offence punishable under Section 452, 427, 506 and 147 of the Indian Penal Code and 3 of Prevention of Damage to Public Property Act, 1984.

3. Learned counsel for the applicants submit that both applicants are the first offenders and student. Presently, only three accused has been arrested including both the applicants and one is Rohit Kumar Burman, the said co-accused has already been granted bail by the Coordinate Bench in MCRC 3425/17 dated 23/05/2017. The case of the present applicants are similar, they will not commit any offence in future and they have to appear in their semester examinations and studies other accused though named are not arrested. One co-accused Honey @ Parmeet Singh Bagga had also preferred MCRCA 666/2017, but said matter is pending filed by another counsel and as the applicants were arrested, they are not required by the police for further interrogation or investigation, hence both the MCRC's may be heard. As per allegation, the present applicant and other co-accused unauthorizedly entered in the office of the University and caused damage to the property and also gave threat to kill to the security guard and other staff by forming unlawfully assembly. Learned counsel for the applicants would submit that the applicants are the first offenders and no criminal antecedent has been reported against them, as the trial may take some time for its conclusion, they may be enlarged on bail till trial.

4. Per Contra, learned Counsel for the respondent/State

opposed the arguments advanced on behalf of the applicants and would submit that looking to the act of the applicants the instant MCRC's may be dismissed, though fairly considered that there is no criminal antecedent of the applicants.

5. Perused the entire material.

6. As both the applicants are in custody since 1 month and 2 days till date, charge-sheet is not yet filed and the co-accused Rohit Kumar Burman who was the president of the Student Union of Kusabhau Thakre Journalism University, has already been granted bail by the Coordinate Bench, case of the present applicants are similar with the said co-accused applicant, they are not required by the police for further interrogation or investigation, no criminal antecedent is reported against any of the applicants, on due consideration of entire facts, I am inclined to grant one last opportunity to the applicants so that they shall not commit any offence in future and shall remain peacefully in the society.

7. Consequently, MCRC is hereby allowed.

8. It is directed that the applicants shall be released on bail on furnishing a personal bond in the sum of Rs.50,000/- each with two separate solvent sureties of Rs.25,000/- to the satisfaction of Judicial Magistrate First Class, Distt. Raipur, as the case may be for their appearance before the said Court as and when directed.

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

10. It is further directed that till the conclusion of the trial, present applicants shall mark their appearance before the Station House Officer/IO, Police Station Mujgahan, Distt. Raipur **on First and Third Monday of every month at 11:00 am.** It is further made clear that if the applicants without any cogent and proper reason do not appear before the Police of Police Station Mujgahan, Distt. Raipur as directed, the concerned police may inform the trial Court for the act and if their non-appearance found to be without any proper and cogent reason, the instant order granting bail to the applicants shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Register (Judl.) is further directed to send a copy of the 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.

12. A copy of this order be kept in the record of MCRC No.5193/2017.

13. Certified copy as per rules.

**Sd/-
(Chandra Bhushan Bajpai)
Judge**