

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5373 of 2017**

- Hemlal Banjare S/o Lakhanlal Banjare, Aged About 24 Years By Caste Satnami, R/o Singhara, Thana And Tahsil Malkharoda, District Janjgir Champa, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, Janjgir Champa (Chhattisgarh).

---- Respondent

For Applicant	: Shri Parag Kotecha, Advocate.
For Respondent/State	: Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****06.09.2017**

Heard the matter finally.

2. The applicant have preferred this application for grant of bail as he was arrested on 24/05/2017, in connection with Crime No. 85/2017, registered in Police Station Malkharoda, Distt. Janjgir-Champa (C.G.) for offence punishable under Section 457, 380, 34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that after investigation police had filed charge-sheet against the present applicant which is pending before the Judicial Magistrate First Class, Malkharoda Distt. Janjgir-Champa (C.G.) as Criminal Case No. 74/17. The police had filed the supplementary charge-sheet against the co-accused Juvenile Krishna Kumar before the Juvenile Justice

Board, Janjgir-Champa (C.G.). Learned counsel for the applicant would submit that earlier the Crime No. 86/17 has also been registered by the Malkharoda police under Section 457 & 380 of the IPC against the present applicant and Juvenile Krishna Kumar Nirala for the theft valued of Rs.5,800/- only in the said matter from the applicant property worth Rs.860/- has been seized in the said matter applicant granted bail by this Court in MCRC No. 5207/17 dated 29/08/2017 both the Crime No. has been registered in a row except this. As per the allegation, in the present matter from the village Panchayat the article Monitor, Keyboard, Printer, UPS, CPU and one cooler were stolen of Rs.44,354/- most of the article stolen were seized from the applicant, he will not commit any offence in future, as the trial may take some time for its conclusion, he may be enlarged on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant on the basis of entire facts surfaced and there is no criminal antecedent of the applicant as aforementioned.

5. Perused the matter.

6. As the applicant is in custody for 3 months and 12 days till date, charge-sheet has been filed, trial may take some time. Except the aforesaid matter. The applicant was never involved in any of the other matter. Also trial is pending and looking to the property were seized from the applicant in the said matter and also with the fact that property of worth about Rs.40,000/- were recovered from the applicant, on consideration of the entire facts, I am inclined to grant one last opportunity to the applicant so that he shall not commit any

offence in future and shall remain peacefully in the society without committing any crime.

7. Consequently, instant MCRC is allowed.

8. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- to the satisfaction of Judicial Magistrate First Class, Malkharoda, Janjgir-Champa (C.G.) for his appearance before the said Court regularly as and when directed by the said Court for their appearance before the said Court regularly as and when directed by the said Court.

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 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 applicants 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.

10. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge