

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5207 of 2017**

- Hemlal Banjare, S/o Lakhanlal Banjre, Aged About 24 Years, Caste Satnami, R/o Singhara, Thana & 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 U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****29.08.2017**

Heard the matter finally.

2. The applicant have preferred this application for grant of bail as he was arrested 24/05/2017, in connection with Crime No. 86/2017, registered in Police Station Malkharoda, Distt. Janjgir Champa (C.G.) for offence punishable under Section 457 and 380 of the Indian Penal Code (IPC).

3. Learned counsel for the applicant submits that after investigation charge-sheet has been filed which is pending before the Judicial Magistrate First Class, Malkharoda Distt. Janjgir Champa (C.G.) as Criminal Case No.70/17. Learned Counsel for the applicant would further submit that the he will not commit any offence in future. He may granted bail in the present matter of stolen

property was value of Rs.5800/- only. From the applicant property valued of Rs.860/- were seized. Though earlier, one more matter as Crime No.85/17 Under Section 450 and 380 of the Indian Penal Code has been registered by the Malkharoda police, the applicant had also filed MCRC for his release on bail in the said matter. But learned counsel for the applicant for the moment not recollect the MCRC No. 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 and would further submit that there are total 2 co-accused in the matter, one co-accused is juvenile i.e. Krishna Nirala. Hence, the supplementary charge-sheet has been filed against the juvenile before the JJB Janjgir Champa (C.G.) and the remaining property stolen was recovered from the juvenile.

5. Perused the matter.

6. As the applicant is in the custody since 3 months and 5 days till date, the applicant was aged about 24 years, charge-sheet has been filed, trial may take some time, though as submitted by learned counsel for the applicant. Another one more matter has been registered against the applicant of the similar offence but there is no any material in the case diary and in the present matter so as to appreciate the facts of said case with this, the said matter if listed for final hearing may be considered on the basis of facts involved in the said matter. On consideration of entire facts, I am inclined to grant an opportunity to the applicant so that he will 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.30,000/- with one solvent sureties of like some amount to the satisfaction of JMFC for his appearance before the said Court regularly as and when directed by the said Trial Court.^{3w}

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. The applicants are further directed to appear before the concerned SHO/IO/in-charge of the Police Station Malkharoda, Distt. Janjgir Champa, (C.G.) **on every 1st and 3rd Monday at 11:00 am** till trial. If the applicants fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicants remains absent without any cogent reason and proper reason as directed, the bail granted to applicants 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.

11. 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.

12. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge