

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5226 of 2017**

Bhanwar Singh S/o Jai Singh, Aged About 40 Years Occupation
Agriculturist, Caste Paw, Resident Of Village Katra, Police Station
Marwahi, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Marwahi, District Bilaspur, Chhattisgarh.

---- Respondent

For applicant	Mr. Vinod Tekam, Adv.
For Respondent/State	Mr. UKS Chandel, PL

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****30-8-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 21-6-2017 in connection with Crime No. 23/2015 registered in PS Marwahi Distt. Bilaspur (CG) for offence punishable under Section 147, 148, 353, 332, 435, 458, 427, 395 and 171(C) of the Indian Penal Code, 1860.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed against total 29 accused persons which is presently pending as ST No. 14/2015 before the Additional Sessions Judge, Pendra Road, Distt. Bilaspur. Except the present applicant, other 28 accused persons have been released on bail by the High Court. Case of the present applicant is similar to that of those bailed out co-accused persons. This is his first bail application before this Court. He is first offender. The applicant is innocent. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time.
4. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicant as the present applicant was absconding and he has been arrested subsequently on a non-bailable warrant of

arrest. Hence instant MCRC may be dismissed. However he fairly concedes that no criminal antecedent of the applicant is reported by the police in the case diary.

5. Perused the matter.
6. As the applicant is the first offender, he is in custody since 2 months and 9 days till date, other 28 co-accused persons have been granted bail, case of the present applicant is similar to that of the other co-accused persons, charge sheet has been filed, trial may take some time, and as submitted he will not commit any crime in future and considering entire facts of the case, I am inclined to grant one opportunity to the applicant to live peacefully in the society without committing any crime. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety of the like sum to the satisfaction of the trial Judge for his appearance before the said Court regularly as and when directed by the said Court.
7. 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.
8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge