

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5284 of 2017

- Sibbu @ Sameer Khan, S/o Ramjaan Khan, Aged About 19 Years, R/o Near Gandhi Chowk, Police Station City Kotwali, Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Shri U.K.S. Chandel, Advocate.

For Non-applicant/State : Shri Sumit Jhawar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

11.09.2017

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.379/2016 on 08/06/2016 by Police Station Sarkanda, Distt. Bilaspur (C.G.) for the offence under Section 379 & 34 of the Indian Penal Code.

3. Learned counsel for the applicant submits that after investigation, police had filed charge-sheet against the total 4 accused persons which is pending before the Judicial Magistrate First Class, Bilaspur (C.G.) as Criminal Case No. 7933/2016 and police had also filed supplementary charge-sheet against one accused Rahul Surya before the Juvenile Justice Board, Bilaspur, (C.G.), the co-accused Rahul Yadav granted bail in MCRC No.

4681/2016 dated 19/08/2016 and also the co-accused Gopi Suryavanshi granted bail in MCRC No. 6928/2016 dated 08/11/2016. The co-accused Sumit Mishra against whom the charges under Section 411 of the Indian Penal Code has been levelled granted bail by the Court of Sessions, present applicant is in custody since long, trial may take some time. As per allegation, the applicant and other co-accused stolen Pan Masala, Cigarette and other grocery worth Rs.50,000/- from the applicant police had seized Cigarette and Pan Masala worth Rs.4109/- and also one T.V. of Rs.2,000/- and auto used for commission of crime. The case of the present applicant is similar to Rahul Yadav and Gopi Suryavanshi, applicant is aged about 19 years though against the applicant Crime No. 380/2016 under Section 457, 380 & 411/34 of the Indian Penal Code and Crime No. 356/2016 under Section 457, 380, 411 & 34 of the Indian Penal Code has been registered and the applicant was arrested also in those matters. 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 argument advanced on behalf of the applicant on the basis of total aforementioned 3 matters have been registered.

5. Perused the entire material.

6. As the applicant is in custody since 1 year 3 months and 3 days till date, charge sheet has been filed, trial may take some time, applicant is aged about 19 years and other co-accused have already been granted bail by the Coordinate Bench, case of the present applicant is similar to the other co-accused, though against the

present applicant 2 more matters have been of the similar offence, looking to the long detention and age of the applicant and also the articles seized from the applicant, I am inclined to grant one 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, the instant MCRC 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/- each to the satisfaction of Judicial Magistrate First Class, Bilaspur (C.G.) for his 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 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 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 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.

10. It is further directed that till the conclusion of the trial, present applicant shall mark their appearance before the Station House Officer/IO, Police Station Sarkanda, Distt. Bilaspur (C.G.) **on First and Third Monday of every month at 11:00 am.** It is further made

clear that if the applicant without any cogent and proper reason do not appear before the Police of Police Station Sarkanda, Distt. Bilaspur (C.G.) 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 applicant 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. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge