

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5315 of 2017**

- Suraj @ Bunty Suryawanshi, S/o Late Jawahar Lal Khare Aged About 22 Years Caste- Suryawanshi, R/o Torwa, Near Shiv Mandir, Bilaspur, Police Station Torwa, Tahsil & District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant	: Shri C.R. Sahu, Advocate.
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****04.09.2017**

Heard the matter finally.

2. The applicant has preferred this application for grant of bail as he was arrested on 06/07/2017, in connection with Crime No. 227/2017, registered in Police Station Torwa, Distt. Bilaspur (C.G.) for offence punishable under Section 379 of the Indian Penal Code.

3. Learned counsel for the applicant submits that after investigation police had filed charge-sheet against the applicant which is pending before the Special Railway Magistrate, Bilaspur (C.G.) as Criminal Case No. 2384/17. The police had filed supplementary charge-sheet against the juvenile co-accused Som Dhruw before Juvenile Justice Board, Bilaspur (C.G.). The said co-accused i.e. juvenile granted bail by the Juvenile Justice Board,

Bilaspur (C.G.). The present applicant is the first offender and aged about 22 years and as per allegation, applicant and the co-accused stolen about Rs.3,000/- to Rs.4,000/- by breaking the donation box of the mandir. From the applicant, one rod and Rs.200/- were seized. The applicant 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.

5. Perused the matter.

6. As the applicant is the first offender and he is in custody for 2 months till date, charge-sheet has been filed, trial may take some time. The present applicant is the first offender and never involved in prior to the incident, on consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that they 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 applicants are directed to be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of like some amount to the satisfaction of the Special Railway Magistrate Bilaspur (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.

10. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge