

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5512 of 2017**

Sandeep Shah S/o Om Prakash Shah, Aged About 19 Years R/o
Jawahar Nagar, Atal Awas Bhilai, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh through the District Magistrate Durg, District
Durg, CG.

---- Respondent

For applicant	Mr. Amit Kumar, Adv.
For Respondent/State	Mr. Arvind Shukla, PL.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****12-9-2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 14-6-2017 in connection with Crime No. 504/2017 registered in PS Supela, Distt. Durg (CG) for offence punishable under Section 392/34 of the Indian Penal Code, 1860.
3. Learned counsel for the applicant submits that after investigation charge sheet has been filed against the present applicant and the co-accused Roshan Kumar Yadav and the same is pending before the CJM Durg (CG) as Cr. Case No. 5832/2017. He submits that the applicant is aged about 19 years. This is his first bail application before this Court. He is first offender. As per allegation, the applicant along with co-accused Roshan Kumar Yadav sharing common intention looted one mobile thereafter said mobile was recovered from Roshan Kumar Yadav. From the applicant, the motorcycle used for commission of offence has been seized. The co-accused has not preferred any petition for grant of bail. 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 and submits that apart from present matter, following matters have also been registered against the present applicant:-

1. Crime No. 9/2016 u/S. 41 sub-section (1)(d) of Cr.P.C., 379 of IPC
2. Crime No. 8/2017 u//S. 41 sub-section (1)(d) of Cr.P.C., 379, IPC

Hence looking to the criminal past of the applicant, instant MCRC may be dismissed.

5. Perused the matter.
6. As the applicant is in custody since 2 months and 28 days till date, charge sheet has been filed, trial may take some time, he is aged about 19 years, though earlier two matters have been registered against him but no specific facts is mentioned regarding value of the theft property and the applicant was arrested on a suspicion, 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. 50,000/- with two solvent sureties each of Rs. 25,000/- to the satisfaction of the CJM Durg 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. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Supela, Distt. Durg (CG) on 1st and 3rd Monday of every month at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent and proper reason as directed, the bail granted to applicant 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.

8. Addl. Registrar (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 non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.
9. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge