

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5520 of 2017**

Chintu Lahare S/o Shri Vishram Lahare, Aged About 18 Years
R/o Village Dhourabhatha, Police Station Hirri, Tahsil Belha,
District Bilaspur (Chhattisgarh).

---- Applicant**Versus**

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

---- Respondent

For applicant	Mr. Ajay Chandra, Adv.
For Respondent/State	Mr. Ashok Swarnkar, 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 17-6-2017 in connection with Crime No. 40/2017 registered in PS Hirri, Distt. Bilaspur (CG) for offence punishable under Section 457, 380 read with Section 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 co-accused Dinendra Anant and the same is pending before the JMFC Bilha, Distt. Bilaspur as Cr. Case No. 559/2017. Co-accused has been granted bail vide order dated 16-8-2017 passed in MCRC No. 4688/2017 by this Court and case of the present applicant is similar to that of the co-accused. As per allegation, from the applicant stolen property one Pressure Cooker, one aluminium pane and two CFL bulb, total valued Rs.

1,000/- has been seized. As per allegation, applicant and other co-accused stolen property of domestic use of Rs. 12,000/-. The applicant is in custody since long and he is aged about 18 years. This is his first bail application before this Court. He is first offender. He will not commit any offence in future if granted bail. He may be granted bail as the trial may take time. He further submits that other two co-accused Shatrughan and Rakesh are juvenile and are granted bail by the Juvenile Justice Board, Bilaspur where the police filed supplementary charge sheet. The applicant may also be enlarged on bail.

4. Per contra, learned State counsel opposes the arguments advanced on behalf of the applicant. 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 jail since 2 months and 26 days till date, charge sheet has been filed, trial may take some time, co-accused has been granted bail, case of the present applicant is similar to co-accused, the applicant is aged about 18 years, 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 JMFC Bilha, Distt. Bilaspur CG 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