

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5643 of 2017

- Ved Prakash Singh S/o Shri Shiv Bahadur Singh, Aged About 28 Years, R/o Block A, Road No.13 Karan Nagar New Changora Bhatha Raipur, Tahsil & District Raipur Chhattisgarh. Mobile No.9669960666

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mujgahan, District Raipur Chhattisgarh

---- Non-applicant

For Applicant – Shri Pradeep Singh Rathore, Advocate.

For Non-applicant/State – Shri Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

22-09-2017

1. Heard on I.A.No.1/2017 for delinking the instant bail application.
2. On due consideration, I.A.No.1/2017 is hereby allowed as in linked matters, MCRCA No.666/2017 and MCRCA No.781/2017 learned counsel for the applicants sought time.
3. Present matter is delinked from the above two MCRCA.
4. Heard the present matter finally.
5. Learned counsel for the applicant would submit that except present applicant, only Rohit Kumar Burman, Rishabh Singh Thakur, Dushyant Lakhotiya were arrested in connection with Crime No.70/2017 by P.S. Mujgahan, District Raipur, Chhattisgarh for the offence under Section 452, 427, 506, 147 of the IPC and Section 3 of the Prevention of Damage to Public Property Act, 1984. The applicant is arrested on 19-08-2017. Charge sheet has not been filed yet. Aforementioned all the three co-accused persons have been granted bail in MCRC No.3425/2017 vide order dated 23-05-2017 by the coordinate Bench and in MCRC No.5165/2017 and MCRC No.5193/2017 vide order dated 30-08-2017 by this Bench. Case of the present present applicant is

similar to the above co-accused, the applicant is first offender, he will not commit any offence in future, he is a student. The applicant is now not required by the police for further interrogation or investigation. No criminal antecedent is reported against the applicant. Hence, the applicant may be granted bail. As per the allegation, the present applicant and other co-accused unauthorizedly entered in the office of the university and caused damage to the property and also gave threat to kill the security guard and other staff by forming unlawful assembly. Trial may take some time. The applicant may be granted one opportunity to remain in bail during trial.

6. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant and would submit that looking to the act of the applicant, the instant MCRC may be dismissed, though fairly conceded that there is no any criminal antecedent of the applicant.

7. Perused the entire material.

8. As the applicant is in custody since 1 month and 4 days till date, charge sheet has not been filed yet, co-accused Rohit Kumar Burman who was the President of the Student Union of Kusabhau Thakre Journalism University has already been granted bail by the coordinate Bench, other two co-accused have also been granted bail by this Court, case of the present applicant is similar to all the three co-accused, the applicant is not required for any further interrogation or investigation, as police had not noticed any earlier criminal antecedent against the applicant, on consideration of the entire facts, I am inclined to grant one last opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby 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 of Rs.25,000/- each to the satisfaction of the Judicial Magistrate First Class Raipur, C.G. for his appearance before the said Court as

and when directed till trial.

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 applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (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 conclusion of the trial the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Mujgahan, District Raipur, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp. If the applicant failed to mark his appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to the Bench.

11. 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.

12. Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
Judge