

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5632 of 2017

- Sukrit Das Manikpuri S/o Laxman Das Manikpuri, Aged About 20 Years, R/o Near Lord Shiva Temple, Basant Vihar, Sarkanda, Police Station Sarkanda, District Bilaspur Chhattisgarh.

---- Applicant

Versus

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

---- Non-applicant

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

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

15-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.455/2017 on 01-07-2017 by P.S. Sarkanda, District Bilaspur, Chhattisgarh for the offence under Section 379 of the IPC. After investigation police had filed the charge sheet, which is presently pending before the CJM Bilaspur as Criminal Case No.2508/17. Learned counsel for the applicant would further submit that the applicant is aged about 20 years, he will not commit any offence in future and as per the allegation, the applicant had taken mobile worth Rs.8,000/- forcibly from the hands of the complainant and fled away from the spot. Thereafter, the said mobile has been seized from the applicant. He is in custody since long. Though against the applicant one matter as Crime No.191/17 under Section 392/34 of the IPC has been registered, in the said matter it is alleged that the applicant and one co-accused robbed one hand purse and in the said purse there was one mobile and cash Rs. 800/-. In the present matter, co-accused Montu @ Pradeep has been granted bail by the VIIth Additional Sessions Judge Bilaspur, C.G. while

hearing bail petition No.1045/17 vide order dated 08-08-2017. The applicant may be granted bail during trial.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of the aforementioned matter registered against the applicant and the act of the applicant in the present matter.

4. Perused the entire material.

5. As the applicant is in custody since 2 months and 16 days till date, charge sheet has been filed, trial may take some time, the applicant is aged about 20 years and except aforementioned matter he was never involved in any offence, on consideration of the entire facts, as the mobile has been seized, I am inclined to grant one 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 Chief Judicial Magistrate Bilaspur, C.G. for his appearance before the said Court as and when directed till trial.

6. 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.

7. 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. Sarkanda, District Bilaspur, 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.

8. 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. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge