

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5634 of 2017**

- Yogesh Sahu @ Daddu S/o Shri Ramprasad Sahu, Aged About 19 Years R/o Village Nevra, Police Station Kota, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

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

---- Non-applicant

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

For Respondent/State : Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****14.09.2017**

1. Heard the matter finally.
2. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No. 616/2017, registered in Police Station Civil Lines, Bilaspur, C.G., for the offence punishable under Section 25 Arms Act, 1959.
3. Learned counsel for the applicant submits that the applicant has been arrested on 12.08.2017. Charge-sheet is not yet filed. Along with present applicant one co-accused Mahendra Singh Thakur is also arrested which was granted bail by the remand court on 16.08.2017. The applicant is aged

about 19 years. As per allegation, from the applicant one knife of restricted category has been seized. He is the first offender, he will not commit any offence in future. As the trial may take some time for its conclusion, he may be granted bail.

4. Per contra, learned counsel for the respondent/State opposes the arguments advanced on behalf the applicant and submits that earlier against present applicant Crime No. 615/2015, under Section 36 (F) of the Chhattisgarh Excise Act 1915 has been registered, hence looking to criminal past of the applicant, the instant MCRC may be dismissed.

5. Perused the entire material.

6. As the applicant is in custody for 1 month 2 days, charge-sheet is not yet filed, the applicant is aged about 19 years, he is the first offender, trial may take some time for its conclusion, on consideration of the entire facts, I am inclined to grant one opportunity to the applicant so that he shall not commit any offence in future and shall remain peacefully in the society.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall 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 Chief Judicial Magistrate, Bilaspur, (C.G.), for his appearance before the said Court as and when directed.

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; (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. Certified Copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

Judge