

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5730 of 2017**

- Gopal Koshle S/o Shankar Koshle, Aged About 32 Years R/o Village Sangwa, Police Station & Tahsil Mungeli, District Mungeli, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- City Kotwali, Mungeli, District- Mungeli, Chhattisgarh.

---- Respondent

 For Applicant : Shri Akhil Mishra, Advocate
 For Respondent/State : Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai
Order On Board

25.9.2017

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.378/2017 registered in Police Station City Kotwali, Mungeli (CG) for the offence punishable under Section 394 & 427 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 12.7.2017, after investigation, police has filed charge sheet which is presently pending before Judicial Magistrate First Class, Mungeli as Criminal Case No.1033/2017. As per the allegation, the applicant assaulted the complainant with club and looted Rs.1800/- cash. The entire looted cash was recovered, the applicant 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 enlarged on bail.

4. Per contra, learned counsel for the respondent/State opposed the arguments advanced on behalf of the applicant though fairly submits that there is no criminal antecedent reported against the applicant.

5. Perused the entire material.

6. The applicant is in custody for two months and thirteen days, charge sheet has been filed, the matter is triable by Judicial Magistrate First Class, there is no criminal past reported against the applicant, as the entire money looted has been recovered from the applicant, on considering the entire facts, I am inclined to grant one last opportunity to the applicant so that he will 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 furnishing a personal bond in the sum of Rs.30,000/- with one solvent surety of like sum amount to the satisfaction of trial Judge 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; 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 the

above, the Court below may proceed further under the provisions of law, under intimation.

10. It is further directed that till the conclusion of the trial, present applicant shall mark his appearance before the Station House Officer/IO, Police Station City Kotwali, Mungeli, Distt. Mungeli **on First and Third Monday of every month at 11.00 am.** It is further made clear that if the applicant without any cogent and proper reason fails to do so as directed, the concerned police may inform the trial Court for the act and if his non appearance found to be without any proper and cogent reason, the instant order granting bail to the applicant shall automatically be cancelled by the trial Court without further reference to the Bench, under intimation.

11. Registrar (Judl.) is further directed to send a copy of the order to the concerned trial Judge and also to provide a copy of the order to the respondent/State for placing it with the case diary to be returned to the concerned police for compliance and information.

Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)
JUDGE