

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5724 of 2017

- Gurunaam Singh @ Lucki S/o Sukhwant Singh, Aged About 23 Years, R/o Madal Town Smriti Nagar, Bhilai, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhilai Bhatthi, District Durg, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Vivek Sharma, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

21-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that this is a case of bail jump. Initially, the applicant was granted bail by the 5th Additional Sessions Judge Durg, C.G. in Bail Petition No.25/13 dated 03-05-2013 in connection with Crime No.169/2013 under Section 394/34 of the IPC, P.S. Bhilai Bhatthi, District Durg, C.G in Criminal Case No.156/2013. Thereafter, the matter was posted for argument before charge on 04-05-2013, the applicant not gave his appearance on the said date, thereafter, non-bailable warrant of arrest has been issued against the applicant and ultimately he was re-arrested on 17-06-2017. Till date he is in custody. The applicant is first offender, he will not abscond during remaining part of the trial. Presently he is aged about 23 years, no any criminal past is reported by the police and as per the allegation in the charge sheet, the applicant after sharing common intention with one Manpreet Singh looted purse along with Rs.1200/- cash and certificate of registration of two-wheeler. Even after the incident he had never involved in any crime. He may be granted one opportunity to remain in bail.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant as the applicant absconded for about 4 years and with this the matter was not concluded by the concerned criminal Court, hence the instant MCRC may be dismissed, though fairly conceded that there is no any criminal antecedent of the applicant.

4. Perused the entire material.

5. The applicant was aged about 19 years at the time of incident as submitted, he was granted bail by the Court below as aforementioned, though as per the facts surfaced and submitted he remained absconding for about 4 years after his release on bail, presently the applicant is aged about 23 years with no criminal past and for three months and 4 days he is in custody, with this he had tasted some post effect of his non-appearance, on consideration of the entire facts, 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 trial Court is directed to initiate proceedings under Section 446 of the Cr.P.C. and other relevant provisions against the applicant and his surety for forfeiture and realization of bond and surety amount if not done earlier, after giving opportunity to the applicant and his surety the trial Court shall pass appropriate order against the applicant and his surety under the provisions regarding forfeiture and realization. After order if the applicant deposits the amount so ordered by the trial Court before the trial Court for the forfeiture of bond amount if any and thereafter if the applicant furnishes a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the trial Court for his appearance before the said Court as and when directed till trial, then only the applicant be enlarged on bail during remaining part of the 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. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge