

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 5722 of 2017**

- Pintu @ Parmanand Yadav, S/o Shailu Yadav, Aged About 18 Years, R/o Village Darripara, Nawagarh, Police Station And Tahsil Nawagarh, District Bemetara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh R/o Through Sho Police Station Nawagarh, District Bemetara Chhattisgarh,

---- Non-applicant

For Applicant	: Shri Mahendra Dubey, Advocate.
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****20.09.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No. 166/2017 on 02.08.2017 by Police Station Nawagarh, District Bemetara (C.G.) for the offence under Section 457 & 380 of the Indian Penal Code.

3. Learned counsel for the applicant submits that after investigation police had filed charge-sheet which is pending before the Judicial Magistrate First Class Bemetara, C.G., as Special Criminal Case No. 1092/2017, there is one more co-accused Ashwini Nishad the juvenile against home the concerned police proceedings

in accordance with law before Juvenile Justice Board (JJB) Bemetara, (C.G.). Learned counsel for the applicant would submit that the applicant is aged about 18 years and he is in custody since long. The applicant will not commit any any offence in future. As per allegation, applicant the juvenile co-accused stolen after tress-passed 3 mobile set worth Rs. 7500/- from the present applicant one mobile set worth Rs. 2500/- has been seized and from the co-accused juvenile remaining 2 mobile has been seized, trial make take sometime for its conclusion, he may be enlarged on bail till trial.

4. Per contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant, looking to his act of tress-passed and theft, though fairly considered that there is no criminal antecedent of the applicant.

5. Perused the entire matter.

6. As the applicant is the first offender and he is in custody for last 1 month and 18 days till date, charge sheet has been filed, trial may take some time and there is no any criminal antecedent reported against the applicant, 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. Consequently, the instant MCRC is hereby allowed.

8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one solvent surety of like some amount to the satisfaction of Judicial Magistrate First Class, Bemetara (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