

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.5775 of 2017**

- Shakil Ahmad @ Raju S/o Shri Mohammad Hussain, Aged About 39 Years R/o Bharat Chowk, Marimai Talapara, Police Station Civil Lines Bilaspur, Tahsil & District Bilaspur, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

 For Applicants : Shri Dheerendra Pandey, 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 the 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.267/2017 registered in Police Station Chakrabhatta, Distt. Bilaspur for the offence punishable under Sections 457 & 380 of the Indian Penal Code.

3. Learned counsel for the applicant submits that the applicant has been arrested on 15.7.2017, after investigation, concerned police has filed charge sheet against the applicant, which is presently pending before Judicial Magistrate First Class, Bilha, Distt. Bilaspur as Criminal Case No.598 /17. As per the allegation from applicant No.1 stolen mobile worth Rs,15,000/- has been recovered which was as per the complainant stolen from his house. Learned counsel for the applicant would submit that 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 granted bail during trial.

4. Per contra, learned counsel for the State opposes the bail application and would submit that there is no explanation offered by the applicant as to how he was in custody of said stolen mobile though fairly considered 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 ten days, charge sheet has been filed, the trial may take sometime for its conclusion, he is the first offender, though the applicant is the person of matured age about 37 years, considering the entire facts, including the period of custody I am inclined to grant one 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 Judicial Magistrate First Class, Bilha 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 Chakrabhatta, Distt. Bilaspur 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 does not appear before the Police of Chakrabhatta, Distt. Bilaspur, as directed, the concerned police may inform the trial Court for the act and if his 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 Judicial Magistrate First Class, Bilha 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