

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5779 of 2017**

- Dipankar Avasariya @ Raj, S/o Ashok Avasariya, Aged About 21 Years, R/o Teachers Colony, Dagania, Near Water Tank, Police Station- D. D Nagar, Raipur, District Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through Station House Officer, Police Station- D.D. Nagar, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Shri V.R. Tiwari, Advocate.
For Respondent/State : Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****26.09.2017**

Heard the matter finally.

2. Learned counsel for the applicant would submit that the applicant has been arrested in connection with Crime No.185/17 on 07/07/2017, Police Station D.D. Nagar Raipur, Distt. Raipur, (C.G.) for the offence under Section 392 of Indian Penal Code.

3. Learned counsel for the applicant would submit that after investigation police had filed charge-sheet against the present applicant and one co-accused Saurabh Mukherjee @ Vikky which is presently pending before the Judicial Magistrate First Class, Raipur (C.G.) as Criminal Case No.6012/17. The co-accused has not preferred any petition to enlarged him on bail. The applicant is the first offender and as per allegation at the time of incident, he was driving the said vehicle which was allegedly used for the commission

of the offence i.e. looting by mobile from the complainant valued Rs.10,000/- during investigation the said mobile has been seized from the co-accused, from the present applicant motorcycle bearing Registration No. CG 04 LL 8451 has been seized. The registered owner of the motorcycle is co-accused Saurabh Mukherjee applicant is aged about 21 years. The applicant will not commit any offence in future, trial may take some time, he may be granted on bail till trial.

4. Per Contra, learned counsel for the respondent/State opposes the arguments advanced on behalf of the applicant, looking to the facts surfaced that he was driving the said motorcycle and co-accused looted the aforementioned mobile worth Rs.10,000/- from a minor complainant, 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, he is in custody since 2 months and 20 days till date, charge-sheet has been filed, trial may take some time, the applicant is aged about 21 years and there is no criminal antecedent reported against the applicant, on due 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 without committing any crime.

7. Consequently, the instant MCRC is allowed.

8. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- to the satisfaction of Judicial

Magistrate First Class, Raipur (C.G.) for his appearance before the said Court regularly as and when directed by the said Court.

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. It is further directed that till the conclusion of the trial, present applicant shall mark their appearance before the Station House Officer/IO, Police Station D.D. Nagar Raipur, Distt. Raipur **on First and Third Monday of every month at 11:00 am.** It is further made clear that if the applicant fails to do so, the concerned police may inform the trial Court for the act and if their 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. Register (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.

12. Certified Copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge