

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No. 2369 of 2015

- Mukesh Kanchhi s/o. Late Kamal Kanchhi, aged about 19 years, r/o. Purani Basti, Sarkari Para, Pendra, P.S. Pendra, Civil and Revenue District Bilaspur (CG).

---- Applicant

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station Pendra, District Bilaspur (CG).

---- Respondent

For Applicant	:	Mr. Atul Pandey, Advocate.
For Respondent/State	:	Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

8/7/2015

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 28-4-2014 in connection with Crime No. 240 of 2014 registered at Police Station Pendra, District Bilaspur (CG), for the offence punishable under Sections 452, 354-A(1) of IPC and Sections 7 & 8 of Protection of Children from Sexual Offences Act, 2012 and Section 3(1)(xi) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. This is second bail application of the applicant. Earlier the applicant was granted bail vide order dated 9-2-2015 passed in M.Cr.C.No.546 of 2015. He failed to appear before the trial Court on 22-4-2015, therefore, warrant of arrest was issued to him and he was arrested on 28-4-2014.
3. Learned counsel appearing for the applicant would submit that non-appearance of the applicant before the trial Court on 22-4-2015 is bona fide and unintentional and now the applicant is ready and willing to appear on due date of hearing, therefore, he may be released on bail. in jail since 27-10-2014, therefore, he may be released on bail.

4. On the other hand, learned counsel appearing for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Taking into consideration all the facts and circumstances and further taking into consideration non-appearance of the applicant before the trial Court on 22-4-2015 appears to be bona fide and unintentional and he is in custody since 28-4-2015, I am of the considered opinion that it is a fit case where the applicant can be enlarged on bail.
7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- along with one surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)

Judge