

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5745 of 2015

Kanchan @ Kanchheda, S/o. Shir Ramgulam, Aged About 28 Years, R/o. Madhuban Road, Dayalband, Bilaspur, Police Station City Kotwali, Bilaspur, Presently R/o. At Chuchuhiya Para, Bilaspur, Police Station Sirgitti, Bilaspur, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through: District Magistrate, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. G.V.K.Rao, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.401/2010 registered at Police Station- City Kotwali, Bilaspur, District Bilaspur (C.G.) for the offence punishable under Sections 294, 323, 506(B), 427 r/w. 34 and 452 of Indian Penal Code.
2. Case of the prosecution is that the applicant was arrested on 16.09.2012 and thereafter he was released on bail on 29.09.2012. Subsequently, from 07.12.2012 he remained absent and thereafter his bail bond was canceled and arrest warrant was issued. According to the prosecution, the applicant was arrested and subsequently again was bailed out on 15.03.2013 and subsequently on 03.05.2013 he again remained absent. Therefore, his bail bond was canceled and arrest warrant was issued and he was arrested on 21.09.2015.

3. Learned counsel for the applicant submits that considering the fact that he was earlier granted bail, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the applicant was earlier released on bail and it is a case of bail jump and further taking into fact that the applicant is in jail since 21.09.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge