

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7073 of 2015

Imilsai, S/o Kadma Akka, Aged About 23 Years, R/o Village Saraipara
Guturma, P.S. Sitapur, Distt. Surguja, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Sitapur, Distt. Surguja,
Chhattisgarh

---- Respondent

For Applicant : Mr. Vineet Kumar Pandey, Advocate

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/12/2015

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.156/2013, registered at Police Station– Sitapur, District Surguja (C.G.) for the offence punishable under Section 370(क) of Indian Penal Code.
2. This is a case of bail jump.
3. Learned counsel for the applicant submits that only on one occasion on 21.09.2015 the applicant could not appear and therefore arrest warrant was issued, however, on the earlier occasion the applicant appeared. He further submits that the applicant is a labour and in order to earn his livelihood, he had gone out, therefore, he could not returned on 21.09.2015; hence, he may be given one opportunity as he is in jail since 05.10.2015.
4. Per contra, learned State counsel opposes the prayer for grant of bail; however, he do not dispute the fact that on 29.10.2015 the arrest warrant was issued and he was arrested on 05.10.2015.

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 granted bail and considering the detention of the applicant as he is in jail since 05.10.2015, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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