

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 1313 of 2015

1. Vijay Kumar Tamboli, aged about 41 years, S/o. Bhagwati Prasad Tamboli, R/o. Village-Chhatona, Police Station – Chakarbhata, Tahsil – Takhatpur, District – Bilaspur (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : the Police Station Excise, Bankimongara, District – Korba (C.G.)

---- Respondent

For Applicant : Mr. S.C. Verma, Advocate

For Respondent/State : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/12/2015

1. Apprehending arrest for arrest warrant issued by the Court of Judicial Magistrate First Class, Katghora in a trial pending under Section 34(1), 34(2) and 59 of the Excise Act bearing Criminal Case No.636/2012, the applicant has preferred this application for grant of anticipatory bail.
2. Brief facts of the case are that the applicant is the witness in Criminal Case No.636/2012, pending before Judicial Magistrate First Class, Katghora, wherein the date of evidence was fixed initially on 17.11.2015. On that day on 17.11.2015, he appeared as a witness in two cases before other Court, which was pending before the Court of Korba, therefore, he could not keep himself present on that day at Katghora and therefore, the arrest warrant was issued against him by the Court of Judicial Magistrate First Class, Katghora.
3. Learned counsel for the applicant would submit that on 04.12.2015, though the arrest warrant was not served to the applicant, he

himself appeared before the Court and since the applicant was ailing, it was informed to the Public Prosecutor and because of his illness, he left the Court, and counsel for the accused was also not present, for this reason too the applicant did not wait and left the Court. Thereafter, the arrest warrant was issued against the applicant. He would further submit that the applicant prays and gives an undertaking that he will appear before the Court of JMFC, Katghora on 18.12.2015, therefore, the applicant may be enlarged on bail against the arrest warrant issued.

4. Per contra, the learned State counsel opposes the bail application.
5. I have perused the documents attached with this application. Perusal of the documents I am satisfied the reason for non-appearance of the applicant on 17.11.2015 before the Court of Judicial Magistrate First Class, Katghora. Taking into consideration that the applicant has given undertaking that he will appear before the Court on 18.12.2015, this Court is inclined to extend the benefit of anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the arrest warrant issued, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Magistrate/Officer.
7. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge