

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6295 of 2015

1. Krishna Kumar Dixena, S/o. Late Vishwanath, aged about 75 years, by caste-Kalar, R/o. Mungadih, P.S. & Tahsil- Pali, Civil & Revenue, District Korba (C.G.)

----Applicant

Versus

1. State Of Chhattisgarh, Through : Station House Office, Police Station – Pali, District Korba (C.G.)

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

24/11/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.202/1996, registered at Police Station – Pali, District – Korba (C.G.) for the offence punishable under Section 420, 409, 467, 468, 471 of I.P.C.
2. Case of the prosecution, in brief, is that in the year 1996, an offence was registered against the applicant and other co-accused while he was serving in the Water Resources Department, Katghora, thereafter, he was granted anticipatory bail by the High Court on 08.12.1997. Subsequently he did not appear when the charge sheet has been filed and the arrest warrant has been issued and the applicant has been arrested.
3. Learned counsel for the applicant would submit that the applicant was granted anticipatory bail on 08.12.1997, in M.Cr.C. No.5374/97,

thereafter, the bail was furnished, subsequently, charge sheet has been filed even without service of bailable warrant, the arrest warrant was issued and the applicant was arrested. He would further submit that considering the age of the applicant as he is aged about 75 years of old, he may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact and after going through the copy of the order and the fact that the applicant has been arrested pursuant to the arrest warrant without service of bailable warrant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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