

1

(u)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR,

Cr.M.P. NO. 363 /2015

PETITIONERS

(In Jail)

- : 1. Ramesh Mahawar, son of
Shri Ramriksh Pal Mahawar,
aged about 62 years, resident
of Q-09, Anupam Nagar,
Police Station Pandri, Raipur.
2. Sumit Mahawar, son of Shri
Ramesh Mahawar, aged
about 31 years, resident of
Q-09, Anupam Nagar, Police
Station Pandri, Raipur

Civil & Revenue District Raipur.

Vs

RESPONDENT

- : State of Chhattisgarh, through
the Secretary, Ministry of Home,
Mahanadi Bhawan, Naya Raipur
and/or through the ^{P.S. Pandri} Collector,
District Raipur (CG)

PETITION UNDER SECTION 482 OF THE CODE OF
CRIMINAL PROCEDURE, 1973

By the present petition the petitioners seek to impugn
and challenge the order dated 23.4.2015 (copy annexed
herewith as ANNEXURE P-1) passed by the learned Chief
Judicial Magistrate, Raipur in Criminal Case No.372/15
thereby rejecting application of the petitioners filed under
Section 437 (6) of Cr.P.C. for release on bail on the

66

5

2

unsustainable grounds, the petitioners prefer this petition
on following facts & grounds:-



उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

UW

आदेश पत्रक

Comp No. 363/15

मामला क्रमांक सन् 20

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	SB : Hon'ble Shri Manindra Mohan Shrivastava, J. 06.05.2015 Shri B.P. Sharma, counsel for the petitioners. Shri Vinod Tekam, Panel Lawyer for the State Heard. This petition has been preferred before this Court without invoking the remedy of filing revision against the order. Learned counsel for the petitioner submits that the petitioner has filed this petition directly before this Court because he has an apprehension that the Revisional Court may not consider the revision on its merit because the petitioner's application under Section 439 Cr.P.C. has already been rejected. To dispel apprehension, if any, it has to be observed that notwithstanding rejection of application under Section 439 Cr.P.C., in the matter of examination of accused's right to get bail under Section 437 (6) Cr.P.C., the considerations are entirely different. Therefore, in these circumstances, the apprehension is not well founded. The petition is, therefore, disposed off with liberty to file revision. As prayed by learned counsel for the petitioners, certified copy of the impugned order may be returned to him after retaining photocopy of the same.	

Sd/-
Manindra Mohan Shrivastava
Judge

(कोडे देखिये)