

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 683 of 2015**

Ashok Kumar Makhija S/o Lila Ram Makhija Aged About 50 years R/o Ashok Kirana Stores, Itwari Bazar Dhamtari, Tahsil Civil And Revenue District Dhamtari, Chhattisgarh

---- Applicant**Versus**

Municipal Corporation Dhamtari Through; Commissioner Municipal Corporation Dhamtari, District Dhamtari, Chhattisgarh

---- Respondent

For Applicant	:	Shri Vishnu Koshta, Advocate
For Respondent/Complainant	:	Shri Dharmesh Shrivastava, Advocate

Order On Board**04/08/2015**

Heard.

This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in view of issuance of warrant of arrest upon registration of criminal case for alleged commission of offence under Section 15 & 19 of the Environment Protection Act, 1986.

Learned counsel for the applicant submits that the applicant could not appear before the Court pursuant to summons because of his illness and he was represented through counsel. However, the bailable warrant was not served and without service of bailable warrant, arrest warrant has been issued against the applicant.

On the other hand, learned counsel for the respondent submits that the applicant was avoiding his appearance. Therefore, warrant of arrest has been issued.

Taking into consideration the submission made by learned counsel for the parties, the nature of allegation against the applicant, it is directed that the applicant shall surrender before the Court below within a period of 10 days from today. On his surrender, he shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned Magistrate. Thereafter, the applicant shall continue to appear before the Magistrate as may be directed unless exempted. If the applicant does not appear before the Court below within 10 days from today, this order shall stand automatically cancelled and it shall be open for the Magistrate to execute warrant of arrest.

The application is accordingly disposed off.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)

Judge