

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Cr. C. No. 5117 OF 2015**

1. Sajjan Dubey, S/o Ram Bhawan Dubey, A/A 21 Years, R/o Village Pardawa, Thana Mau, District Chitrakut (U.P.)
2. Pramod Kumar Tripathi, S/o Sanat Kumar Tripathi, A/A 30 Years, R/o Varha, Kewra, Thana Mau, District Chitrakut (U.P.)

---Applicants**Versus**

State of Chhattisgarh Through District Magistrate, District Raigarh (C.G.)

---Non-applicant

For Applicants	:	Mr. Arvind Shrivastava, Advocate
For Non-applicant	:	Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****05/10/2015**

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 applicants who have been arrested in connection with Crime No. 68/2007, registered at Police Station Tamnar, District Raigarh (C.G.), for the offence punishable under Sections 397 of Indian Penal Code & 25 & 27 of Arms Act.

2. The applicants were enlarged on bail for the aforesaid offences and they could not appear before the trial Court on 09/04/2015 and assigned reasons that applicant No. 1 missed his Train whereas applicant No. 2 suffered fracture in his right leg. Thereafter they filed an application for cancellation of warrant of arrest and grant of bail on 25/08/2015, the trial Court rejected their application finding no sufficient cause and sent them to jail.

3. Learned counsel for the applicants would submit that there is non-appearance only on 09/04/2015 was bonafide and unintentional as applicant No. 1 could not get his Train and applicant No. 2 has suffered fracture. The fact remains that they have filed documents in support of their non-appearance, which was not accepted.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. After hearing learned counsel appearing for the parties and considering reasons assigned and documents placed, this Court is of the opinion that present is the fit case, in which, applicants should be enlarged on regular bail.

6. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

7. It is directed that applicants, namely, Sajjan Dubey and Pramod Kumar Tripathi, shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the trial Court. Applicants shall appear regularly before the trial Court.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE