

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 178 of 2016**

Satish Soni S/o Mahaveer Prasad Soni Aged About 52 Years R/o Plot No. 5/5, Nehru Nagar (East), P.S. Supela, Tahsil & District Durg, Chhattisgarh.

---- **Petitioner****Versus**

State of Chhattisgarh Through The Station House Officer, Police Station Supela, District Durg, Chhattisgarh.

---- **Respondent**

For Petitioners	: Mr. Rajeev Shrivastava, Adv.
For Respondent/State.	: Mr. Lav Sharma, Panel Lawyer.

Order On Board**09/02/2016**

Heard.

- Learned counsel for the petitioner submits that vide order passed in MCRCa No. 767 of 2015 (Satish Soni -v- State of Chhattisgarh) dated 7-9-2015, this court granted bail to the petitioner in connection with Crime No. 246 of 2015 registered in Police Station Supela for offence under Sections 376, 506 and 354 of the IPC. Against that order, one Priya Soni filed a Special Leave Petition before Hon'ble Apex Court. On 1-10-2015, Hon'ble Apex Court dismissed the same. Meaning thereby the order dated 7-9-2015 passed by this Court attains finality and is in force. Charge sheet has been filed against the petitioner on 7-1-2016. Before filing of the said charge sheet, the petitioner along with copy of order passed by this Court appeared before the S.H.O. The Investigating Officer of the said case formally arrested the petitioner and thereafter released him as per order dated 7-9-2015 of this Court. As the S.H.O. had wrongly informed him under Section 160 of the Cr.P.C. regarding filing of the charge sheet before C.J.M. Durg on 5-1-2016, he remained waited before the said court but no charge sheet was filed on 5-1-2016 before the court of C.J.M., Durg. Thereafter on a wrong reporting that the petitioner had refused to accept the notice for filing of the charge sheet on 7-1-2016, instead of

filing charge sheet before the Court of C.J.M. Durg, charge sheet has been filed on 7-1-2016 before the Court of Judicial Magistrate First Class, Durg and the court below issued warrant of arrest against the him and fixed the matter for appearance of the petitioner on 23-2-2016. He was already granted anticipatory bail which is effective till date and not yet canceled by the competent court. As per the wrong information given by the police, he remained present before the court of C.J.M. Durg and waited for filing of the charge sheet. In these facts and circumstances learned counsel for the applicant submits that the petition may be disposed of finally at motion stage itself by directing the criminal court for acceptance of bail bond in the light of order passed MCRCA No.767/2015.

3. Learned counsel for the State submits that the order passed by this Court dated 7-9-2015 in MCRCA No. 767/2015 is still in force.
4. On due consideration of the entire facts and the documents specially the copy of the notice filed by the petitioner, the petition is disposed of with a direction to the petitioner to present himself before the Court of Judicial Magistrate First Class, having jurisdiction over the said case along with certified copy of the order passed by this Court in MCRCA No. 767/2015, also the copy of the notice and other documents and pray for accepting bail bond as bail is already granted to him by this Court. The trial Court is directed to decide the prayer as made in this behalf for accepting the bail bond as per law keeping in mind that as per submission made by the State counsel, the order passed by this Court in MCRCA No. 767/15 dated 7-9-2015 is not cancelled and is still in force.
5. The petition is accordingly disposed.

Sd/-
(Chandra Bhushan Bajpai)
Judge