

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4724 of 2016

Nazir Ahmad, S/o. Bazir Ahmad, Aged About 19 Years, R/o. Ganesh Nagar, Chuchuihapara, P.S. Sirgitti, Bilaspur, Tah. & Distt. - Bilaspur, Chhattisgarh, Present Address - Sardapara, Near Murkatta School in the House of Moinuddin, Bhilai Power House, Distt. - Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- S.H.O. GRP, Bilaspur, Distt. - Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ravindra Sharma, Advocate

For Respondent : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.56/2014 registered at Police Station- Govt. Railway Police, Bilaspur, Distt. Bilaspur (C.G.) for the offence punishable under Section 397/34 of Indian Penal Code.
2. This is a case of bail jump. Perusal of the order would show that the applicant was earlier released on bail and subsequent he remained absent on 02.05.2015, therefore, non-bailable warrant was issued against him and he was arrested on 05.07.2016 after proclaiming him as absconder.
3. Learned counsel for the applicant would submit that the house of the applicant was dismantled by the Railway, therefore, he has to shift to Bhilai and consequently he could not appear. He further

submits that the applicant is in jail since 05.07.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and the taking into fact that the applicant was earlier released on bail and he is in jail since 05.07.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge