

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Revision No.944 of 2016**

Mukund Deo Behra S/o Late Shri Dhoba Behra Aged About 47 Years R/o Aashram
 Parisar, Choube Colony, Police Station Saraswati Nagar, Raipur Chhattisgarh.

----- Petitioner**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Moudahapara,
 Raipur District Raipur Chhattisgarh.

---- Respondent

For Petitioner	:	Shri YC Sharma, Advocate.
For respondent	:	Shri Satish Gupta, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy**Order On Board****06/10/2016**

1. The present petition has been preferred challenging the order dated 29.08.2016 passed by the Sixth Additional Sessions Judge, Raipur, in BP No. 1528 of 2016 whereby the court below has rejected the application filed by the petitioner under Section 439(1)CrPC.
2. According to counsel for the petitioner, the petitioner while he was granted bail in Bail Application No.3134 of 2014 a condition was imposed by the court below that the petitioner-accused shall not leave the boundary of the State of Chhattisgarh without leave of the court. According to petitioner, from 2014 till 2016 he has been moving out of State for many occasions for which he had to seek prior permission of the court, and therefore, he is praying for relaxation of the said condition imposed by the court below. In the alternative, counsel for the petitioner

prays that he may be permitted to freely move to at least the State of Orissa where he has to appear before the investigating agency in another criminal case. Therefore, the impugned order be modified accordingly.

3. State counsel however opposes the petition on the ground that as per petitioner himself, earlier he has been granted permission by the court below to leave the State for justified reasons. Even now in case if he has to go again, he has only to intimate the court and in future also there is no reason for his prayer being rejected to leave the State having earlier been granted on more than one occasions. Therefore, the prayer for relaxation is not justified and the petition deserves to be dismissed.
4. Having heard the counsel for the parties, in the facts and circumstances of the case more particularly the fact that in the past when on all occasions he has been granted permission to travel out of State by the court below, there is no reason for his application being rejected without justified reasons in future also. Therefore, this court does not find any strong ground to interfere with the order impugned.
5. Accordingly, the petition being devoid of merit is liable to be and is dismissed.

Sd/-
(P. Sam Koshy)
Judge