

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8279 of 2016

Sonu @ Sunil Pawle S/o Shri Banwariram Pawle Aged About 19 Years
Caste Palwe (Hindu), Occupation Unemployed, R/o Shyamnagar, Darri,
Police Station Darri, Tahsil Katghora, District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Darri, District District Korba, Chhattisgarh

---- Respondent

For Applicant	:	Smt. Hamida Siddiqui, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy. G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

19/12/2016

Heard.

1. The applicant has been arrested in connection with Crime No.184 of 2013 registered in Police Station- Darri, District Korba for the alleged commission of offence under Section 363, 366, 506-B of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. The applicant has prayed for grant of bail on the submission that non-appearance of the applicant on 13.01.2016 before the trial Court was not intentional to jump bail but due to unavoidable circumstances that the applicant was arrested in connection with another crime, due to which, he could not appear.
3. Learned State counsel submits that the applicant is facing criminal trial in connection with more than one crime number which shows that the applicant is habitual offender. In the present case, the order of the trial Court shows that since 13.01.2016, the applicant was not appearing nor represented through any counsel with the permission of the Court to exempt his presence. The applicant was arrested in the another case only on 15.07.2016. Therefore, it cannot be said that because of his arrest in another case, he could not appear.

4. After going through the order sheet, I find that though the applicant was continuously appearing or exempted for appearance and represented through counsel during trial after he was granted bail on 01.01.2014, when the case was listed on 13.01.2016, no one appeared. Again on 12.04.2016, no one appeared and finally when no one appeared on 23.07.2016, arrest warrant were issued.

5. It is also not in dispute that before issuance of warrant on 23.07.2016, the applicant was arrested in connection with another criminal case No.107/15, before issuance of arrest warrant, he was already arrested in another case.

6. Taking into consideration the totality of the circumstances, particularly taking into consideration that earlier the applicant was continuously appearing or represented through counsel for about 2 years during the pendency of the trial in the case, I am inclined to grant bail to the applicant considering that personal liberty is an important right. However, to ensure that the trial of the present case is not hindered and the presence of the applicant is ensured at the time of culmination of trial and delivery of judgment, the application is allowed with following conditions :

(a) That the applicant shall furnish a personal bond in the sum of Rs.40,000/-;

(b) He shall also furnish two solvent sureties for the like amount to the satisfaction of the concerned trial Court and shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

7. It is made clear that in case, the applicant has been arrested in connection with any other crime number, he shall not be released only on the ground that he has been granted bail in the present case, unless he is granted bail in connection with other crimes.

8. Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge