

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3397 of 2016

Akbar Khan S/o Safi Khan, aged about, 27 years, R/o Kishun Ganj, PS Damoh Dehat, Revenu and Civil District Damoh (MP).

Applicant

Versus

State of Chhattisgarh through SHO Sariya, Distt. Raigarh (CG)

Respondent

For Applicant : Shri Amit Sharma, Advocate.

For Respondent : Shri Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

On-06.06.2016

1. The present is a case where the applicant has been arrested on 22.04.2016 against warrant of arrest issued in connection with Crime No. 138 of 2013. Earlier, he was granted bail on 19.02.2014, but due to his non-appearance before the court below on 26.03.2016, warrant of arrest was issued and has been arrested on 22.04.2016 and since then he is in jail.
2. Learned counsel for the applicant submits that just before the date of appearance i.e. 26.03.2016, on account of some fight, the applicant got injured and was hospitalized and as such could not appear before the court. Therefore, his non-appearance was neither deliberate nor intention, but was because of unavoidable circumstances.
3. Considering the total facts and circumstances of the case, in particular the fact

that the applicant had earlier been released on bail but due to his non-appearance before the court below on 26.03.2016 warrant of arrest was issued and he has been arrested on 22.04.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

4. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
5. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.
6. Certified copy as per rules.

Sd/-
(P. Sam Koshy)
V. JUDGE

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