

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4550 of 2016

1. Jwala Dewar, aged about 27 years, S/o. Shri Kewalchand Dewar, address – Dewarpara Abhanpur, Police Station Abhanpur, District – Raipur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station – Abhanpur, District – Raipur (C.G.)

---- Respondent

For Applicant : Mr. K.K. Dewangan, Advocate

For Respondent/State : Ms. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17/08/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.15/2007, registered at Police Station – Abhanpur, District- Raipur (C.G.) for the offence punishable under Section 147, 148, 149, 342 & 307 Indian Penal Code.
2. Case of the prosecution, in brief, is that on 10.01.2007, the applicant along with other co-accused has assaulted the grandson of the complainant namely Videsh Dewar by way of knife.
3. Learned counsel for the applicant submits that the other co-accused persons have been convicted by the trial Court for the offence under Section 323 of I.P.C and thereby the finding is recorded that the

applicant along with other have not committed any offence, therefore, the counsel prays that the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that the applicant was absconding during the trial from 18.05.2007 permanent arrest warrant was issued and he was arrested on 01.06.2016, therefore, he may not be released on bail.
5. I have heard learned counsel appearing for the parties.
6. Considering the fact that the applicant was absconded from 2007 and other co-accused were tried and convicted. Taking into the fact that the applicant was absconded and no sufficient reason has been assigned that why he was absconding, taking into such fact and the background of this case, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge