

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 887 of 2016**

- Khemendra Joshi S/o J. P. Joshi, Aged About 30 Years R/o Brijraj Nagar, P. S. Parpa Jagdalpur Revenue And Civil District Bastar, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, P. S. Kondagaon Chhattisgarh

---- Respondent

For Petitioner
For Respondent /State

Shri Varun Sharma, Advocate
Shri Ashish Shukla, Government Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****17.10.2016**

1. After some argument Learned Counsel for the Appellant prays for withdrawal of the present Petition with the liberty that the Court below may be directed to consider bail application under Section 438 Cr.P.C. which the Petitioner intends to move after surrendering himself before the Court below on the next date of hearing i.e. 24.10.2016.
2. Learned Counsel for the Petitioner further submits that on the next date of hearing when he would surrender and move an application for grant of regular bail, the same may be considered in accordance of with law preferably on the same day as has been observed in the order dated 14.05.2015 while his application for anticipatory bail was being disposed off.
3. He further makes a prayer for direction to the Court below for not to get influenced by the proceedings that has been drawn by the Court below in

between the disposal of the anticipatory bail by the High court and the order passed by this Court in the present Cr.M.P.

4. The said prayer is not opposed by the State Counsel.
5. Considering the peculiar facts and circumstances of the case, this Court is of the opinion that in case if the Petitioner surrenders before the Court below and moves an appropriate application for grant of regular bail as has been observed in the order dated 14.05.2015 in the M.Cr.C.A. 361/2015, the same shall be considered as far as possible on the same day on its merits. It is further observed that the Court below may not be influenced by the proceeding that has been drawn by the Court below in between the disposal of the M.Cr.C.A. No. 361/2015 and the present Cr.M.P. The application for grant of regular bail shall be considered purely on its own merits.
6. With the aforesaid observations the present Cr.M.P. stands disposed off.

Sd/-

(P. Sam Koshy)
JUDGE