

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6344 of 2016

1. Lucky Ogbebor, S/o. Sanhe Ogbebor, aged about 26 years, R/o. 16, Azeigbe Street of Upper Lok Pariba Rade Benin. At present address room No.675, First Floor Premtham No.5, Adarsh Colony, Basti Devali, Village-Khanpur (Delhi)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police Station – Surajpur, District – Surajpur (C.G.)
2. Union of India, Through : Secretary, Ministry of External Affairs, New Delhi.

---- Respondents

For Applicant	: Mr. Keshav Prasad Gupta, Advocate
For Respondent/State	: Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/10/2016

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.335/2016, registered at Police Station – Surajpur, District – Surajpur (C.G.) for the offence punishable under Section 14 of Foreigners Act, 1946.
2. Case of the prosecution, in brief, is that the applicant who is citizen of Nigeria was caught hold at Surajpur at office of Superintendent of Police while he was trying to make inquiries and was roaming to prepare passport for his wife and on being asked he could not produce document of his Passport and Visa, therefore, he was arrested.
3. Learned counsel for the applicant submits that the applicant came to India for his business but he suffered financial loss and could not returned back and in the meanwhile Visa expired in the year 2013

and he is continuously trying to contact his embassy to get back to his country and in the meanwhile he was married to an Indian girl and he wanted to go back and in the meanwhile while was trying to prepare passport he was arrested. It is further submitted that charge-sheet in this case has been filed and the applicant is in jail since 05.08.2016 and no further investigation is necessary, 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
5. I have heard learned counsel appearing for the parties.
6. Considering the facts and circumstances of the case and taking into the the document which is on record shows that the applicant has married to an Indian girl and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 05.08.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety preferably that of his wife in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge