

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6358 of 2016

1. Md. Mubarak Ansari, aged about 35 (22) years, S/o. Jalil Ansari, R/o. Ramanujganj, P.S. - Ramanujganj, District – Surguja (C.G.). Now District – Balrampur – Ramanujganj (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, Through : Station House Officer, Ramanujganj, District – Balrampur – Ramanujganj (C.G.)

---- Respondent

For Applicant : Mr. Apoorva Tripathi, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/11/2016

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.99/1991, registered at Police Station – Ramanujganj, District – Balrampur-Ramanujganj (C.G.) for the offence punishable under Section 363, 366 of Indian Penal Code.
2. This is the case of bail jump.
3. The applicant was enlarged on bail earlier. Subsequently he remained absented from 03.08.1995 and arrest warrant was made on 12.07.1996, thereafter he was arrested on 24.07.2016.
4. Learned counsel for the applicant submits that the applicant is in profession of tailor and he went out to earn his livelihood and there was no intention to jump the bail. It is further submitted that mother of the victim Shanti Bai and aunt of the victim have been examined

before the Court below and they have not supported the case of the prosecution, therefore, the counsel prays that the applicant may be enlarged on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. I have heard learned counsel appearing for the parties.
7. Considering the facts and circumstances of the case and the statement of the witnesses, who are related to the victim and they have not supported the case of the prosecution. Further taking into the nature of allegation levelled against the applicant and the fact that the applicant earlier was enlarged on bail and considering the period of detention, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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 surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge