

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6393 of 2016

Bijju @ Krishna Kumar Kesharwani, S/o. Sumant Kumar Kesharwani, Aged About 22 Years (Now Aged About 32 Years), R/o. Village Gidhouri, Police Station- Bilaigarh, District- Raipur (Now District- Balodabazar - Bhatapara), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Bilaigarh, District- Raipur (Now District- Balodabazar-Bhatapara), Chhattisgarh.

---- Respondent

For Applicant : Mr. Aman Kesharwani, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.10.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.197/2005 registered at Police Station- Bilaigarh, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 420, 120-B/34 of Indian Penal Code.
2. This is a case of bail jump. Earlier the applicant was enlarged on bail on 12.07.2005 in M.Cr.C. No. 1127 of 2005. Subsequently, he jumped the bail and on 16.11.2009 an arrest warrant was issued and in the year 2015 permanent arrest warrant was issued whereby the applicant was arrested on 29.08.2016.
3. Learned counsel for the applicant would submit that the applicant in order to earn his livelihood went outside the village and the non-appearance was not deliberately and willful and he is in jail since 29.08.2016, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents along-with this bail application. Considering the fact that the applicant was earlier enlarged on bail and he was arrested on 29.08.2016 and further taking into consideration the period of detention, as the applicant is in jail since 29.08.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on 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.

Sd/-
(Goutam Bhaduri)
Judge