

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 6946 of 2016

1. P. Algar Swami, S/o. Parwati Swami, aged about 62 years, R/o. Dixit Colony, Kosanagar, Supela, P.S. - Supela, Tahsil and District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Office, Police Station – Supela, District – Durg (C.G.)

---- Respondent

For Applicant	: Mr. Jitendra Gupta, Advocate
For Respondent/State	: Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/11/2016

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.234/2006, registered at Police Station – Supela, District – Durg (C.G.) for the offence punishable under Section 353, 186, 332/34 of I.P.C. and Section 3 (1) (x) of Schedule Caste/Scheduled Tribe (Prevention of Atrocities) Act, 1989.
2. This is the case of bail jump.
3. Earlier the applicant was enlarged on bail in the year 2006, thereafter he remained absented. Consequently arrest warrant was issued against him and the applicant was arrested on 25.09.2016.
4. Learned counsel for the applicant submits that the applicant is 62 years old and he was not mentally fit and he was being treated, therefore, he could not attend the Court. It is further submitted that the applicant is in jail since 25.09.2016 and considering the nature of

allegation, 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. Perused the order of the Court below. Considering the facts and circumstances of the case and the fact that earlier the applicant was enlarged on bail and he is in jail since 25.09.2016 and further considering the period of detention and the fact that applicant is 62 years of old, 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