

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7754 of 2016**

Rahul Singh, S/o Shri Hukum Singh, aged about 22 years, R/o Village Telgara, Tahsil Charama, P.S. Charama Civil and Revenue District North Bastar, Kanker (CG).

---- Applicant

Versus

State of Chhattisgarh, through the Police Station Keshkal, District Kondagaon (CG).

---- Non-applicant

For Applicant : Shri Pravin Kumar Tulsyan, Advocate
For Non-applicant : Shri Gary Mukhopadhyay, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

24/11/2016

- (1) Heard on admission.
- (2) Admit.
- (3) Issue notice.
- (4) Shri Gary Mukhopadhyay, Dy.G.A. accepts notice on behalf of the State.
- (5) With the consent of the parties, the matter is heard finally.
- (6) 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.54/2014 registered at Police Station Keshkal, District Kondagaon, for the offence punishable under Sections 307 & 294 of the Indian Penal Code and Sections 25 & 27 of the Arms Act.

(7) Learned counsel appearing for the applicant would submit that the applicant was granted bail by order of this Court dated 19.01.2015 passed in M.Cr.C.No.6459/2014 and thereafter, he was regularly appeared before the concerned Court but he could not appear before the trial Court from 21.08.2015 till 04.10.2016 and, therefore, warrant of arrest has been issued on 05.10.2016 and he was arrested. He would further submit that during that period applicant's brother and sister-in-law both have died and therefore, he remained busy in care of his family, therefore, he could not appear before the said date and the applicant undertakes he will never misuse the liberty grant to him by this Court .

(8) On the other hand, learned State counsel would oppose for grant of bail.

(9) After hearing learned counsel appearing for the parties, nature and gravity of the offence and taking into consideration the fact that non-appearance of the applicant before the trial Court concerned was unintentional and bonafide; this Court is of the opinion that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(10) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

(11) Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge