

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5896 of 2017

- Vikas @ Vicky Manikpuri S/o Fatte Das Manikpuri, Aged About 28 Years
R/o Polytechnic College Road, Behind Kanji House, Balco, Police Station
Balco, District Korba, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Chhal, District Raigarh, Chhattisgarh

---- Respondent

For Petitioner	:	Shri R. S. Baghel, Advocate
For Respondent/State	:	Shri Satish Gupta, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/09/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.32/2016 registered at Police Station Chhal, District Raigarh for the offence punishable under Section 363, 366 and 376 of IPC and Section 4 & 5 of the Protection of Children from Sexual Offences Act, 2012.

3. The applicant has applied for grant of bail on the submission that though, earlier bail was granted by this Court and the applicant was directed to appear before the Trial Court and only one occasion, he could not appear i.e. on 28-02-2017, whereafter, his bail was cancelled and he was sent to jail.

4. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that order passed by the trial Court is speaking order and it is clear that the applicant remained absent without proper justification and violated the terms and conditions of grant of bail, as a result of which, his bail

was cancelled.

5. Taking into consideration the totality of the circumstances, particularly taking into consideration that the applicant has remained absent only one day to appear before the trial Court and he earlier appeared before the trial Court on all dates of hearing and concerns of personal liberty, I am inclined to grant one more opportunity to the applicant, this being the last one, the application at this stage is accordingly allowed.

6. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.40,000/- along with one local surety of the like amount to the satisfaction of the trial Court on the condition that he shall continue appear before the trial Court regularly on each and every date, unless exempted. It is reiterated that this is the last indulgence and if the applicant fails to appear without justification, benefit of bail shall be liable to be cancelled.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E