

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1247 of 2017**

- Gajanand Singh Rahi (G.S. Rahi) S/o Shri Phool Singh Rahi, Aged About 61 Years Executive Engineer Department Rural Engineering Govt. Of C.G. R/o Naya Sarkanda Gali No.4 P.S. & P.O. Sarkanda Bilaspur Pin 495001, Tehsil & District Bilaspur, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through S.H.O. P.S. Narayanpur District Jashpur, Chhattisgarh

---- Respondent

For Petitioner : Shri Shakti Raj Sinha, Advocate.

For Respondent/State : Shri Ashish Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****14/09/2017**

Heard.

1. Petition has been brought under Section 482 of Cr.P.C. with a prayer to cancel the warrant of arrest issued against the petitioner and to grant him opportunity to appear before the trial Court.
2. A criminal case bearing No.148 of 2009 is pending against the petitioner in the Court of JMFC, Kunkuri and in which he has been granted bail by the Court below. The petitioner is suffering from grievous respiratory disease and due to which he is required to take support of Oxygen regularly. On account of aforesaid disease, the petitioner could not mark his presence before the trial Court on the day and date given to him and therefore a warrant of arrest has been issued against him by the trial

Court. Non-appearance of the petitioner is bonafide and unintentional. It is prayed that petitioner is ready to give appearance before the Court below but he has apprehension of being arrested in the case. Hence, this petition.

3. Learned counsel for the State opposes the grounds raised in the petition and the submissions made.
4. Heard the counsel for both the parties and perused the documents on record.
5. The Additional Sessions Judge, Kunkuri District-Jashpur released the petitioner on bail vide order dated 24.8.2009, which is still in operation and not cancelled by the competent Court. Hence, the effect of cancellation of bail bonds by the trial Court is only to this extent that petitioner can appear before the Court and make a prayer for cancellation of warrant of arrest along with a prayer to furnish fresh bail bonds. The trial Court shall have liberty to pass order of forfeiture of earlier bail and bonds cancelled before the issuance of warrant of arrest.
6. With the aforesaid observations, this petition is dismissed at the motion stage itself directing the petitioner to appear before the trial Court concerned on or before 30th November, 2017.

Sd/-
(Rajendra Chandra Singh Samant)
JUDGE