

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8064 of 2017**

Ashish Kumar Bhagat aged about 43 years, Son of Shri Vinay Kumar Madhukar, resident of Daltanganj, Palamu, District Palamu, Jharkhand

----Applicant**Versus**

State of Chhattigarh, through District Magistrate, Ambikapur, Surguja (C.G.).

---Respondent

For Applicant	:	Mr. PKC Tiwari, Senior Advocate with Shri Ashutosh Trivedi, Advocate
For Respondent	:	Mr. Anil Pandey, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****19/12/2017**

1. Heard on admission. The application is admitted for hearing.
2. Since this case is related to non-appearance of the applicant before the Court after grant of bail to him, therefore, the instant bail application is decided without calling the record of the trial Court.
3. The instant is an application under section 439 Cr.P.C for grant of regular bail to the applicant who has been arrested in connection with Crime No. 481/2000 registered at police station- Kotwali, District Ambikapur (C.G.) for the offence punishable under Sections 420, 467, 468 & 471 of IPC.
4. Case of the prosecution in brief is that on 16-07-2001, the applicant was arrested and released on bail on the basis of earlier order passed under Section 438 of CrPC by the High Court of Madhya Pradesh,

Jabalpur. Thereafter, a charge-sheet was filed against him on 31-01-2004. Since then he was regularly appearing before the Court till 2016. On 12-06-2017, due to his non-appearance before the Court, a warrant of arrest was issued against him. Before execution of the said warrant, he himself surrendered before the Court on 30-10-2017 and filed an application under Section 70 (2) read with Section 437 CrPC which was rejected by the trial Court. His first bail application under Section 439 CrPC was rejected by 5th Additional Session Judge, Ambikapur vide order dated 03-11-2017. One another criminal case is pending against him before another Judicial Magistrate First Class. In the said case also, a warrant was issued against him in similar circumstances. The applicant again surrendered on 30-10-2017 and filed a bail application which was allowed by the trial Court and release warrant was issued in his favour. Pursuant to which, he was released on 03-11-2017. The applicant was under an impression that he was released on bail in both the cases. On 13-11-2017, he came to know through his counsel that in the instant case he has not been ordered to be released on bail. He again surrendered on 13-11-2017 in the instant case before the trial Court. The trial Court rejected his bail application. Thereafter he filed a bail application under Section 439 CrPC which was rejected by 3rd Additional Sessions Judge, Ambikapur on 30-11-2017.

5. It was argued by the learned counsel for the applicant that the applicant never misused the liberty granted to him vide the bail orders. He himself surrendered on issuance of warrants of arrest. He is in custody since 13-11-2017. Therefore, he be released on bail.
6. Per contra, learned counsel appearing for the State opposed the prayer for grant of bail.
7. Taking into consideration the above facts and circumstances of the case, I am inclined to release the applicant on bail.
8. Accordingly, the instant application for grant of bail is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 20,000/- with one surety of the like

sum to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

9. Certified copy as per rules.

Sd/-

(Arvind Singh Chandel)
Winter Holiday Judge

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