

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 219 of 2017

- Chhotelal Suryawanshi S/o Panchram Suryawanshi Aged About 30 Years R/o Village- Gopalpur, Police Station- Seepat, District- Bilaspur, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Seepat, District- Bilaspur, Chhattisgarh.

---- **Respondent**

For Applicant : Ms. Minu Banerjee, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25-01-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 23-11-2016 in connection with Crime No. 87 of 2005, registered at Police Station Seepat, District Bilaspur (CG) for the offence punishable under Sections 25 (1-b)(a) and 27 of the Arms Act.
2. It is a case of bail jump. Perusal of the order shows that the applicant was charged under Sections 25 & 276 of the Arms Act wherein he was enlarged on bail and the case was pending before the Court of Judicial Magistrate First Class, Bilaspur. Subsequently, it appears that the case was transferred to some other court and the applicant failed to appear before that court and the arrest warrant was issued. Perusal of the order sheets do not disclosed

on what date the applicant was enlarged on bail, however, this fact came to fore by reading of the order that the applicant was earlier enlarged on bail and since he jumped the bail he was arrested in execution of the arrest warrant

3. Learned counsel appearing for the applicant would submit that the applicant is in jail more 1 1/2 months, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case and further considering the fact that the applicant was earlier enlarged on bail and the applicant appears to be in jail since 2-12-2016, this court is inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju