

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 84 of 2017

- Ramkali Maravi W/o Rambharos Maravi, Aged About 52 Years, Cast-Savara, R/o- Village- Pali, Police Station & Tahsil- Pali, District- Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through: S.H.O. Police Station- Pali, District- Korba, Chhattisgarh

---- Non-applicant

For Applicant – Shri Akhtar Hussain, Advocate.

For Non-applicant/State – Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

30-06-2017

1. At the outset, learned counsel for the applicant would submit that there are total 12 accused persons against whom Pali police, Distt. Korba, C.G. registered Crime No.186/2016 under Section 186, 332, 353, 147, 148, 149 of the IPC. The matter is under investigation. Charge sheet has yet not been filed and out of the 12 accused 11 have been granted regular bail by the Additional Sessions Judge, Katghora, District Korba, C.G. The matter is triable by Judicial Magistrate First Class. The applicant intends to surrender before the Judicial Magistrate having jurisdiction and also intends to file application under Section 437 of the Cr.P.C. for his release on bail. The Court below may be directed to dispose of the same on the basis of entire merits including ailment from which the applicant is suffering and the other facts legally attracted; the instant MCRCA may be disposed of accordingly.

2. On due consideration, the instant MCRCA is hereby disposed of. If the applicant gives 3 days prior notice to the concerned SHO/IO, as the case may be, of P.S. Pali, Distt. Korba also after giving 3 days prior intimation to concerned Judicial Magistrate having jurisdiction for his date of surrender then Pali police shall submit entries of the case diary as per law before the concerned Judicial Magistrate and perform further proceeding as required under the law, if applicant files an application under Section 437 of the Cr.P.C.

for his regular release on bail, the concerned Judicial Magistrate shall dispose of the said application on its merit as required by law after completion of proceeding as required. Needless to mention that the concerned Judicial Magistrate shall not influence with the order passed by the Additional Sessions Judge Katghora, District Korba, C.G. regarding prayer of anticipatory bail of applicant dated 07-01-2017 as the said was in relation with pre-arrest.

3. The applicant shall file copy of this order before concerned Judicial Magistrate.

4. Registrar (Judicial) is directed to send copy of the order to concerned Judicial Magistrate having jurisdiction through usual mode and fax mode immediately.

5. The MCRCA is disposed of without any appreciation on its merit accordingly.

Sd/-
(Chandra Bhushan Bajpai)
Judge