

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case No.1335 of 2017**

- Chhotelal Patle S/o Dhanaram, Aged About 40 Years Caste Satnami, R/o Village Murlidih, Police Station Mulmula, Tahsil Akaltara, District Janjgir Champa, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Akaltara (Wrongly Mentioned As Mulmula), District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Shri CK Kesharwani, Advocate
 For Respondent/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****03.4.2017**

Heard on IA No.01/17 for change of counsel and grant of permission to plead for the applicant.

2. On due consideration, IA No.01/17 is allowed.
3. The matter is heard finally.
4. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.170/2012 registered in Police Station Akaltara, District Janjgir Champa for the offence punishable under Sections 294, 506-B, 323, 325, 326, 455, 459, 147, 148, 149 of the Indian Penal Code.

5. Learned counsel for the applicant submits that on 30.01.2017, the applicant surrendered before the concerned trial Court in connection with Session Trial No.7/14, he is the first offender, on account of search of his livelihood, he went out of the State, hence, not available for the early part of the trial whereby and whereunder four other co-accused person vide judgment dated 09.10.2014 were acquitted after awarding the benefit of doubt as the Court below noticed no material evidence on account of compromise between the parties out side the Court. Case of the present applicant is on the same facts and circumstances of the case of the co-accused persons who were acquitted by the Court below. Learned counsel further submits that the applicant will regularly appear before the Court below as and when directed and looking to the entire facts and circumstances, he may be granted bail till the conclusion of the trial.

6. On the other hand, learned counsel for the State opposes the bail application.

7. Perused judgment dated 09.10.2014 passed in Session trial No.07/14 for the co-accused who were acquitted and also perused the other documents annexed in the matter.

8. On due consideration of the entire material, considering the totality of the facts and circumstances of the case, considering the fact that the applicant is in jail since 30.01.2017, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

9. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

10. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of trial Court at Session Division Janjgir Champa in Session Trial No.07/14 for his appearance before the said Court as and when directed.

11. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of the above, the Court below may proceed further under the provisions of law, under intimation.

Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE