

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1839 of 2017**

Ram Singh S/o Shri Amar Sai Aged About 48 Years Caste Agariya, R/o Village Katra, Police Station: Marwahi, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station: Marwahi, District: Bilaspur, Chhattisgarh.

---- Respondent

For applicant	Mr. Dharendra Prasad Mishra, Adv.
For Respondent/State	Mr. Anil Pandey, GA.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****24/04/2017**

1. Heard finally.
2. The applicant has preferred this application for grant of bail as he is arrested on 24-2-2017 in connection with Crime No. 23/2015 registered in PS Marwahi, Distt. Bilaspur for offence punishable under Sections 147, 148, 353, 332, 435, 458, 427, 395, 171(c) of IPC and under the provisions in connection with penal offence under Section 136 of the Representation of People's Act, 1951.
3. Learned counsel for the applicant submits that charge sheet has been filed and the matter is pending before the Additional Sessions Judge, Pendra Road as ST No. 14/2015. There are total 29 accused, out of them 27 have been granted bail by this Court. The applicant was absconding and he was arrested as a permanent warrant of arrest was issued by the trial Court against him. Only one co-accused Bhawar Singh is presently absconding. The trial may take some time and as other co-accused were granted bail. Therefore the applicant may also be enlarged on bail.
4. Per contra, learned counsel for the State opposes the bail application however he fairly conceded that other co-accused were granted bail,

the applicant was absconding, he was arrested subsequently. No criminal antecedent has been reported by the police. Looking to his conduct that he was absconding, he may not be granted bail.

5. Perused the entire matter.
6. On due consideration, as the charge sheet has been filed, the matter pertains to incident dated 2-2-2015 in connection with 3 layers Panchayat election and looking to the role along with other co-accused at polling booth, Katra after the counting, the trial may take time, the applicant is in jail for about 2 months, though he was absconding but as there is no criminal antecedent, I am inclined to grant bail to the applicant. Consequently, instant MCRC is allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety of the like sum to the satisfaction of the Addl. Sessions Judge, Pendra Road CG for his appearance before the said Court regularly as and when directed by the said Court till pendency of trial.
7. 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; (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.
8. CC as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge