

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 262 of 2017

- Dheeraj Keshri S/o Late Shri Manikchand Kesari, Aged About 23 Years, R/o Mahamaya Naka, Ring Road, Ambikapur, Police Station & Tahsil Kotwali - Ambikapur, District - Surguja Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Kotwali, Ambikapur, District Surguja Chhattisgarh

---- Non-applicant

For Applicant – Shri Jitendra Shrivastava, Advocate.

For Non-applicant/State – Shri N.K.Mehta, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

12-07-2017

1. At the outset, learned counsel for the applicant would submit that the instant MCRCA may be disposed of as withdrawn as the applicant intends to surrender before the concerned Court of JMFC having jurisdiction to entertain in remand proceedings and further intends to file an application under Section 437 of the Cr.P.C. He would further submit that the concerned Court may be directed to hear the said application and decide the application as early as possible preferably on the same day.

2. As prayed, the instant MCRCA is disposed of as withdrawn without any appreciation on its merit. It is directed that if the applicant gives three days prior notice to the IO/SHO of Police Station Kotwali, District Ambikapur, C.G./Police Station अजाक Ambikapur, C.G., as the case may be, in connection with Crime No.117/17 for the offence under Section 186, 189, 294, 383, 506, 332, 353 of the IPC and Section 3(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'the Act, 1989') regarding his surrender before the concerned Judicial Magistrate having jurisdiction and also gives three days prior intimation to the concerned Judicial Magistrate having jurisdiction and if the applicant after his surrender as per law

files an application under Section 437 of the Cr.P.C. after completion of all formalities required under the law by police and the concerned Judicial Magistrate, the said application for release on bail under Section 437 of the Cr.P.C. be disposed of as expeditiously as possible preferably on the same day.

3. The applicant may file copy of this order before the concerned remand Court for compliance.

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

5. Needless to mention that the said application be disposed of on its merit without being influenced with the order passed by the Special Judge under the Act, 1989 Surguja at Ambikapur, C.G. passed on 24-03-2017 in anticipatory bail application No.154/2017.

6. Certified copy tomorrow.

Sd/-
(Chandra Bhushan Bajpai)
Judge