

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2577 of 2017**

Smt. Sunita Singh W/o Pawan Kumar Sandilya, Aged About 27 Years
R/o Village Jagarnathpur, Police Station Pratappur, District Surajpur,
CG.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Rajpur,
District Surguja, Chhattisgarh.

---- Respondent

For applicant	Mr. Shaktiraj Sinha, Adv.
For Respondent/State	Mr. Vasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****24-7-2017**

1. At the outset, learned counsel for the applicant submits that as per charge sheet filed in the matter, there is no allegation against the applicant so as to connect her with any of the non-bailable offences, meaning thereby in the entire charge sheet the offence against the present applicant is bailable one.
2. Perused the order passed by Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Surguja at Ambikapur dated 6-4-2017. On perusal, it does not appear that argument before the Court below was that there is no allegation against the applicant which is non-bailable and also there is no appreciation by the concerned Court that the matter does not come under the ambit of any non-bailable offence.
3. If the matter as argued is bailable one against the applicant, then the bail is legal right of him. With the above submission that the matter registered against the present applicant is only of bailable in nature, the instant MCRC is disposed of without any appreciation on its merit directing the applicant to file bail petition before the Court below again

stating the above legal proposition on the basis of the facts surfaced in the charge sheet. Needless to mention that the Court below is lawfully bound to dispose of the said bail application as expeditiously as possible along with the appreciation whether the material collected against the applicant is bailable or non-bailable and also to dispose of the said bail petition on the basis of entire merits of the case without being influenced by the order dated 6-4-2017.

4. The applicant may file copy of the order before the Court below for compliance. Registrar (Judicial) is also directed to send copy of the order to the Court below for compliance through usual and fax mode immediately.
5. Instant MCRC is accordingly disposed of.

Sd/-
(Chandra Bhushan Bajpai)
Judge