

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3105 of 2017

- Sandeep Kumar S/o S/o Ashwani Kumar Aged About 22 Years
R/o Village Mohandi, Police Station Bhilai-3, District- Durg,
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station- Berla, District
Bemetara, Chhattisgarh

---- Respondent

For Applicant : Shri PP Sahu, Advocate
For Respondent/State : Shri Neeraj Jain, GA

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

19.5.2017

1. Heard the matter finally.
2. The applicant has filed this bail application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested in connection with Cr. Case No. 1506/2016, registered at Police Station Berla, District Bemetara(CG) for the offence punishable under Sections 279, 304A IPC.
3. Learned counsel for the applicant would submit that this is a bail jump matter. The applicant was granted bail in Cr. Case No. 1506/2016 under Sections 279, 304A IPC pending before JMFC, Bemetara (CG). During trial he remained absent on 9.12.2016 and

thereafter warrant of arrest has been issued against him and he was arrested on 24.2.2017 and till date he is in custody. Learned counsel submits that the applicant will not commit such mistake again and will cooperate in trial, therefore, he may be granted last opportunity to remain on bail.

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

5. I have heard the counsel appearing for the parties and perused the material.

6. Considering the totality of the facts and circumstances of the case, the applicant is in detention since 2 months and 25 days till date; the matter is bailable one and though the applicant had violated the conditions of the bail granted by the Court below, but looking to the post effect of such violation that the applicant has to remain in jail for 2 months and 25 days, I am inclined to grant last opportunity to the applicant so that he shall cooperate with the trial and appear regularly before the trial Court.

7. Consequently, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 the JMFC,

Bemetara(CG) for his appearance before the said trial Court as and when directed till trial.

9. 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.

10. The trial Court is further directed to initiate the proceedings against the applicant and his surety under the relevant provisions of law under Section 446 Cr.P.C. and other provisions, if not proceeded earlier and directed to conclude the same as expeditiously as possible as per law without being affected with any of the observation made by this Court.

Certified copy today.

**Sd/
(Chandra Bhushan Bajpai)
JUDGE**