

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.612 of 2017**

Lalwa @ Ramnarayan, S/o Shri Dhanna Singh, aged about 31 years, R/o village Jaroundha, Bazar Para, P.S. Khadgawan, District Korea (CG).

---- Petitioner

Versus

State of Chhattisgarh, through P.S. Khadgawan, District Korea (CG).

---- Respondent

For Petitioner : Mr. Pawan Shrivastava, Advocate
For State : Mr. Prasun Bhaduri, Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****15/05/2017****(1)** Heard.

(2) By the impugned order dated 03.04.2017 passed by Second Additional Session Judge, Manendragarh in Criminal Appeal No.101/2012, by which the petitioner has been convicted for offence under Section 377 of Indian Penal Code and sentenced to undergo rigorous imprisonment for three years and fine of Rs.500/- with default stipulation.

(3) Learned counsel appearing for the petitioner submits that the petitioner was granted bail by the appellate Court by its order dated 03/10/2012 passed in Criminal Appeal No.201/2012 and he has not misused the liberty granted to him by that Court and he regularly appeared before the appellate Court on each and every date given to

him, but on 03.04.2017 he could not appear before the appellate Court on account of illness and health problem for which the learned appellate Court issued warrant and arrested him against which, this petition under Section 482 of CrPC has been filed.

(4) Taking into consideration the facts and circumstances of the case and considering the fact that the petitioner was granted bail on 03.10.2012 by the appellate Court and he undertakes to remain present before the appellate Court on each and every date given to him by that Court and hearing of appeal is likely to take time, this Court is of the view that it is a fit case to release the petitioner on bail. Accordingly, the Criminal Misc. Petition is allowed.

(5) Accused/petitioner is directed to be released on bail on his executing a personal bond in the sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the appellate Court. He is directed to appear before the appellate Court on each and every date given to him by the said Court till disposal of the appeal.

(6) With the aforesaid direction, this petition is finally disposed of.

SD/-
(Sanjay K. Agrawal)
Judge

L/-