

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 428 of 2017

- Abdul Khalid S/o Abdul Rafiq, Aged About 26 Years, R/o Lalita Chowk, Over Aman Medical, Momin Para, Police Station- Azad Chowk, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Civil Lines, Raipur, District Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Smt. Fouzia Mirza, Advocate.

For Non-applicant/State – Shri Wasim Miyan, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

21-06-2017

1. Learned counsel for the applicant would submit that Criminal Case No.2265/17 under Section 384/34 of the IPC is pending against the present applicant and other three accused persons as Crime No.815/2016 has been registered by Civil Lines police Raipur, C.G. In the said charge sheet the applicant was shown absconding. The trial Court issued permanent non-bailable warrant of arrest. Co-accused Kritika Mojes was granted bail under Section 439 of the Cr.P.C. in MCRC No.1804/2017 dated 06-04-2017 by the coordinate Bench. Other two remaining co-accused were granted bail by the Court of Sessions. The trial is going on. Complainant Harihar Prasad Dewangan (PW-3) examined in the trial of co-accused on 04-05-2017 had turned hostile, not supported the prosecution's story. Hence, the petition may be disposed of accordingly.

2. Perused the matter.

3. Heard learned counsel for the State/non-applicant.

4. On consideration of entire facts, the applicant is directed to surrender before the trial Court. If the applicant surrenders before the trial Court and files

an application under Section 437 of the Cr.P.C., the trial Court is directed to disposed of the same immediately preferably same day as far as practicable on the basis of merits of the case without being influenced with the order passed by the 7th Additional Sessions Judge Raipur, C.G. in Bail Petition No.969/17 dated 12-05-2017. The instant MCRCA is disposed of accordingly.

5. Certified copy today.

6. Registry is directed to send copy of this order to the concerned trial Court immediately through usual and fax manner.

Sd/-

(Chandra Bhushan Bajpai)
Judge