

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4251 of 2017

- Satyendra Kumar S/o Ramnath, Aged About 32 Years, Caste Satnami, At Present R/o Lata, Tahsil Katghora, Civil & Revenue District Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh through the Police Station Darri, Civil & Revenue District Korba, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Punit Ruparel, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

01-08-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held re-arrested in connection with Crime No.24/07 on 12-5-2017 by P.S. Darri, District Korba, C.G. for the offence under Section 379/34 of the IPC. This is bail jump case. The matter is pending before the JMFC Katghora, District Korba, C.G. in Criminal Case No.409/2007. Learned counsel for the applicant prays for mercy as the applicant remained absent in the said trial for about 9 years. He will now not absent in the trial and cooperate in the trial. He may be granted one last opportunity.
3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of long absence in the trial, though fairly conceded that there is no any criminal antecedent reported by the Darri police.
4. Perused the entire material.
5. Presently, the applicant is in custody since 2 months and 19 days. Earlier he was granted bail by the Court below and thereafter he remained absent after 11-03-2008. There are total 3 accused persons facing trial.

Though the applicant was absent in the trial for a long time, but looking to the allegation surfaced, the fact that there is no any earlier criminal antecedent and the period of detention, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. The trial Court is directed to register miscellaneous judicial criminal case against the applicant, his surety under Section 446 of the Cr.P.C. for forfeiture and realization of bail bond as both violated the terms of bail and bond furnished prior to release the applicant for the first time before the trial Court, and after granting opportunity to hear the applicant and the surety pass appropriate order under the authority of law for forfeiture and realization regarding bond and surety money. If the applicant and his surety deposits the forfeiture amount so directed by the trial Court, thereafter, only if the applicant furnishes a personal bond in the sum of Rs.50,000/- with two solvent sureties of Rs.25,000/- each to the satisfaction of the Trial Judge for his appearance before the said Court as and when directed till trial, the applicant shall be enlarged on bail. The applicant shall cooperate in the trial.

6. 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 above, the Court below may proceed further under the provisions of law under intimation.

7. It is further directed that the applicant shall appear in person before the IO/SHO/In-charge, as the case may be, of P.S. Darri, District Korba, C.G. in 1st and 3rd Monday of every month at 11.00 a.m. sharp till disposal of the said

criminal case against him. If the applicant failed to mark his appearance before the concerned police as directed, the police may inform the trial Court for the same and if the trial Court appreciates that the applicant was not present before the concerned police for no any sufficient or cogent reason, the bail granted to the applicant shall stand cancelled by the trial Court without further reference to the Bench.

8. Registrar (Judicial) is directed to send a copy of this order to the concerned trial Judge and also to provide a copy of the order to the non-applicant/State for placing it with the case diary to be returned to the concerned police for compliance and information.

9. Certified copy as per rules.

Sd/-
(Chandra Bhushan Bajpai)
Judge