

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 540 of 2017

Chandram Sidar (Sindar wrongly mentioned), S/o Lt. Shri Vishwanath Sidar Aged About 40 Years Occupation Panchayat Teacher R/o Bazarpara Near Chandimai Mandir, Chandipara Pamgarh Police Station Pamgarh District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

1. Shiv Kumar Yadav S/o Sona Ram Yadav Aged About 43 Years R/o C/o Satish Kirana Store Sahsaharoad, Pamgarh Tahsil & Police Station Pamgarh, District Janjgir Champa Chhattisgarh.
2. State Of Chhattisgarh, Through Incharge Station Officer, S C S T , Pamgarh, District Janjgir Champa Chhattisgarh.

---- Respondents

For Applicant	:	Ms. Deepali Pandey, Advocate.
For Respondent/State	:	Mr. Chandresh Shrivastava, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/11/2017

Heard.

1. The applicant is apprehending arrest on account of warrant of arrest issued by the Fourth Additional Sessions Judge, Bilaspur in connection with Criminal Appeal No.62/2014 registered at Police Station – Pamgarh, District Janjgir-Champa (C.G.) for alleged commission of offence under Section 138 of Negotiable Instrument Act against the applicant by the non-applicant.

2. Case of the applicant is that the applicant is a Government servant. The applicant had been appearing before the trial Court but due to unavoidable circumstances, he could not appear on the given date of hearing. Therefore, arrest warrant has been issued.

3. Learned counsel for the applicant would submit that the applicant would undertake to appear before the trial Court on 12.12.2017. It is submitted that if

he is arrested, he may suffer suspension also.

4. On the other hand, learned counsel for the State opposes prayer and submits that as the applicant did not appear, the trial Court had no option but to issue warrant of arrest as he failed to appear without any sufficient cause.

5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that the applicant was regularly appearing before the trial Court and failed to appear one day and also considering that he is a Government servant and undertake to appear before the trial Court on 12.12.2017, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer subject to the condition that the applicant shall appear before the trial Court on 12.12.2017 without fail. In case, the applicant does not appear on the next date, the bail granted shall automatically be cancelled and the applicant would be liable to be arrested.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

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