

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6248 of 2017

Nandu Satnami, S/o. Ghasiram Satnami, Aged About 42 Years, R/o.
Village Bhatgaon, Tahsil Pathariya, P.S. & District Mungeli, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh, Through Police Station- City Kotwali, District Mungeli, Chhattisgarh
2. Fagudas, S/o. Chhabi Lal Satnami, Aged About 58 Years, R/o. Village Damapur, Police Station Mungeli, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anand Shukla, Advocate

For Respondent : Mr. S.K.Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28.11.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.244/2004 registered at Police Station- City Kotwali, Mungeli, District Mungeli (C.G.) for the offence punishable under Section 498-A, 306 read with Section 34 of Indian Penal Code.
2. As per the prosecution case, one Sonvati committed suicide because of the appellant and other co-accused for which a case was registered under Section 498-A, 306 read with Section 34 of I.P.C. When the trial commenced, the complainant Fagu Das filed a complaint which was also attached with the S.T. No.298/2004 wherein the judgment was passed on 28.06.2004 and in such criminal case the warrant was issued against the present applicant on 23.12.2004 and thereafter he was arrested on 15.05.2017.

3. Learned counsel for the applicant submits that the applicant is in jail since more than six months and no offence has been committed. He further submits that the applicant had been out of village to earn his livelihood, therefore, he may be released on bail as the other co-accused has been acquitted.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Taking into fact that the applicant was absconding from 2004 and was arrested in the month of May 2017, considering his long absence, I am not inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed, however, trial Court is directed to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge