

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1252 of 2016**

Dwarika Maravi S/o Rambharosh Maravi Aged About 32 Years
Occupation - Advocate, Caste - Sanvra, Resident Of Ward No. 8,
Shanti Nagar, Police, Police Station - Pali, District - Korba Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police
Station - Pali, District - Korba Chhattisgarh

---- Respondent

For applicant	Ms. Pritha Goshal, Adv.
For Respondent/State	Mr. Neeraj Sharma, Dy. GA

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****29/03/2017**

1. Heard finally.
2. Applicant has filed this application under Section 438, Cr.P.C. as he apprehends his arrest in connection with Crime No. 169/2016 registered in Police Station Pali, Distt. Korba (CG) for offence under Section 294, 506-B, 332, 353 and 186 of the IPC.
3. Learned counsel for the applicant submits that the applicant is an advocate practising since 2010. Expect the present matter and subsequent matter, there is no earlier criminal antecedent reported against the present applicant. He intends to surrender before the trial Court and to file an application under Section 437 of the Cr.P.C. He may be given some protective umbrella for consideration of his application under Section 437 of the Cr.P.C. and if necessary under Section 439 of the Cr.P.C. as there is no apprehension of his absconding.
4. Learned counsel for the State duly supported the case of the State.
5. On due consideration, as the applicant is a practising lawyer, looking to the offence registered in a row for twice, it appears that there may

not be any possibility of his absconding. Therefore, the authorities are directed not to arrest the applicant till 21st of the April, 2017/till disposal of the application filed by the applicant under Section 437 / if necessary under Section 439 of the Cr.P.C. The applicant is directed to remain present in person before the JMFC, Pali on 1-4-2017. The concerned Court below is directed to dispose of the application if filed on behalf of the applicant under Section 437 of the Cr.P.C. by 4-4-2017. Needless to mention that while deciding the matter under Section 437 of the Cr.P.C., the trial court shall consider the merits of the case in accordance with law afresh as required and to pass the order. If the prayer of bail is not accepted by the concerned JMFC, the applicant may file an application under Section 439 of the Cr.P.C. before the Additional Sessions Judge, Katghora by 6-4-2017. The concerned Additional Sessions Judge is directed to hear the matter and dispose of the same on or before 21-4-2017 in accordance with law and as per facts involved. If the bail is granted to the applicant, the same shall continue as per law. If the prayer of bail made by the applicant is dismissed by both the courts below as aforementioned till 21-4-2017, then only the authorities can arrest the applicant if required under the procedural law but the concerned Court shall accord surrender of the applicant on 1-4-2017 not to send him to jail till final order is passed by the Court of Session till 21-4-2017.

6. The applicant may file copy of the order before the court below for compliance.
7. Registrar (Judicial) is also directed to send copy of the order to the concerned JMFC and Additional Sessions Judge immediately.
8. The instant MCRCA is disposed of in above terms.

Sd/-
(Chandra Bhushan Bajpai)
Judge