

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7176 of 2017

1. Sakur Ali S/o Saukat Ali, Aged About 61 Years Revenue Patwari, Presently Posted At Karwa, Surajpur, District Surajpur Chhattisgarh. Permanent R/o Village Chilmakala, Police Station And Tahsil Rajpur, District Balrampur Ramanujganj Chhattisgarh. Note - Permanent Address Is As Per The Earlier Bail Order.
2. Smt. Halken Bai W/o Late Shri Sukhram Aged About 62 Years R/o Choura, Police Station Rajpur, District Balrampur Raamanujganj Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer,
Police Station Rajpur District Balrampur Ramanujganj
Chhattisgarh.

---- Respondent

For the Petitioner : Shri Jitendra Shrivastava,
Advocate.

For the Respondent/State : Shri Ashok Swarnakar, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08.12.2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants, who have been arrested in connection with Crime No. 167/2011, registered at Police Station – Rajpur, District –

Balrampur- Ramanujganj (C.G), for the offences under Sections 175, 186, 187, 188, 419, 420, 467, 468, 471, 34 of the Indian Penal Code.

2. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case. It is submitted by learned counsel for the applicants that applicants have been arrested on warrant issued by the trial Court and kept in detention since 19.09.2017. Applicant No.1 was benefited with grant of anticipatory bail by this Court and applicant No.2 was granted regular bail by the lower Court. Applicant No.1 is a Government Servant posted as Patwari, he could not appear in the case because he was transferred to a different place. Applicant No.2 is a 62 years woman and she is suffering from various disease because of which she could not give her appearance. On account of their non- appearance before the Court below, the warrant of arrest was issued and accordingly the applicants have been arrested on 19.09.2017, therefore, it is prayed that one opportunity may be given to abide by all the conditions and give appearance before the Court and cooperate with the prosecution of the case. Hence, the applicants prays for grant of bail.
3. Learned counsel for the State opposes the bail application and submissions made in this respect. It is submitted that the copy of the order sheet of the trial Court, which clearly shows that the applicants stopped giving their appearance before the Court since 15.01.2013, thereafter, non-bailable warrant have been issued against them on 08.08.2014, which was executed on 19.09.2017, whereby the applicants have been arrested

and brought before the Court, hence, it appears that the applicants have total disregard for the lawful process, for these reasons, the applicants is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.
5. Taking into consideration and facts of the case, I am of the opinion that the applicants are senior citizen, hence, they should be given one opportunity to give their appearance before the trial Court and cooperate with the trial of the case against them, hence, only for this reason the bail application filed under Section 439 of Cr.P.C. is allowed.
6. It is directed that the applicants shall be released on bail each of them furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge

Jamal