

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Misc. Criminal Case (A) No.05 of 2017**

- Akhtari Begum W/o Shakil Mohammad, Aged About 30 Years
R/o Old Bus Stand, Dabhra, Ward No. 6, Tahsil Dabhra, District
Janjgir Champa, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer Police
Station City Kotwali, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri VR Tiwari, Advocate
For Respondent/State	: Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****06.4.2017**

At the outset, learned counsel for the applicant would submit that as per the facts of the case, offence under Section 498-A , 326(A), 34 of Indian Penal Code have been registered against present applicant and other co-accused persons namely Syed Asgar, Syed Jaffer Sabari, Syed Shabir Sabari and Sarwari Begum by the police of City Kotwali, Distt. Raigarh and registered as Crime No.365/2016. The police has filed charge sheet showing Sarwari Begum and the present applicant are absconding prayed for proceedings under Section 299 of the Cr.P.C. and ultimately First Additional Sessions Judge, Raigarh vide judgment dated 01.3.2017 acquitted accused Syed Asgar, Syed Jaffer Sabari and Syed Shabir Sabari from the charges and as per para

16 of the said judgment present applicant and Sarvari Begam are absconding. In fact father of the present applicant is Syed Jafer Sabari, the acquitted co-accused. Learned counsel further submits that the applicant intends to surrender before the trial Court and prays that looking to the entire facts and circumstances, and the judgment dated 01.3.2017, the Court below may be directed to hear the application under Section 439 Cr.P.C. and dispose of the said application on the same day.

2. Learned counsel for the State has made no objection on the above prayer.

3. As prayed, instant bail application is disposed of without any appreciation on its merits reserving liberty to the applicant to surrender before the trial Court and to file application under Section 439 of Cr.P.C. The trial Court, i.e. First Additional Sessions Judge, Raigarh (in her absence, competent Court as per the distribution of criminal business prevailing in Raigarh Session Division) is directed to dispose of the same on the same day in accordance with law and further directed to proceed as per provisions of law.

Certified copy as per rules.

Sd/-

(Chandra Bhushan Bajpai)

JUDGE