

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 265 of 2018

- Ajay Soni S/o Girja Prasad Soni, Aged About 32 Years, R/o Bhalumada, Police Station Kotma, District Anuppur Madhya Pradesh, Presently Residing At Amakherwa, Police Station Manendragarh, District Korea Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police of Police Station- Manendragarh, District Korea Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Anil Gulati, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

15-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 12-10-2017 in connection with Crime No.265/2014 registered at Police Station Manendragarh, District Korea Chhattisgarh for the offence under Section 456, 354-B of the IPC and Section 3(1)(11) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (in short 'SC/ST Act').

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. The applicant was granted bail in the concerned case by the trial Court itself on 17-11-2014. As the applicant failed to appear on 12-05-2015 and the dates thereafter, permanent warrant of arrest was issued against him. The applicant failed to appear before the concerned Court for the reason that he was in detention for some other crime in District Jail at Shahdol. On receiving information about his detention, by the orders of concerned Court formal arrest of this applicant has been made on 12-10-2017. There is no willful disobedience on the part of this applicant in not giving appearance before the concerned Court. Hence, it is prayed that the applicant may be benefited with

grant of bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant could have informed concerned Court through his counsel about his detention. If the applicant is released on bail, he may again abscond and the trial against him shall remain withheld. Hence, for this reason, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. From perusal of the order sheet of the Special Court under the SC/ST Act, Korea, details and contents show that the applicant was in detention in some other criminal case in District Jail Shahdol, hence the reason for non-appearance appears to be bonafide, hence for this reason, I am of this view that the applicant should be released on regular bail.

6. Consequently, the application (MCRC No.265/2018) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge