

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.1147 of 2018

Riyasat Ali @ Babu Khan S/o Liyaquat Ali, aged about 34 years, R/o village Kudumkela, Bazarpara, Police Station Gharghora, District Raigarh (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through – The S.H.O. Police Station City Kotwali, Raigarh, District Raigarh (C.G.).

---Respondent

For applicant	:	Ms. Neha Verma, Advocate (Amicus curie appointed by the Court).
For resp./State	:	Shri Ashutosh Pandey, Pandey Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

23/04/2018

1. The counsel engaged by the applicant did not represent the bail application when it was called on all the five working days in the previous week.
2. The matter was thereafter adjourned for today.
3. Today also, there was no representation on behalf of the applicant.
4. This Court therefore requested Ms. Neha Verma, Advocate to assist the Court for disposal of the bail application.
5. The matter was taken up after sometime.
6. The applicant in the instant case stands prosecuted for an offence under Section 135 of Electricity Act, 2003 in Crime No. 33/2011 registered at

Police Station City Kotwali, Raigarh and he was initially granted bail by the trial court but thereafter there was a default of his appearance before the trial court on 14/08/2011 when warrant of arrest was issued and he was arrested on 20/12/2017 and since then he is in jail.

7. The counsel for the applicant submits that it is a case of bail jump. She further submits that taking into consideration the nature of offence so also considering the fact that it is a matter of bail jump and the applicant has already remained in custody for a period of 4 months, the present applicant may be released on bail.

8. The State counsel however opposing the bail application submits that from the conduct of the present applicant he does not deserve bail as there is all possibility that he may again default in appearance and which may further prolong the trial.

9. Given the aforesaid facts and circumstances of the case, particularly taking note of the nature of offence, period of custody undergone and also the fact that the applicant was already granted bail earlier for the same offence, this Court is of the opinion that, a strong case has been made out for grant of bail to the present applicant.

10. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

11. Considering the fact that there was no proper representation on behalf of the applicant, let the High Court, Legal Services Authority, Bilaspur send a copy of the order passed by this Court in the present MCRC i.e. MCRC No.1147/2018 to the Secretary, District Legal Services Authority, Raigarh who in turn shall ensure the facilitating the bail proceedings for the applicant.

12. This Court will like to render a word of appreciation to Ms.Neha Verma, Advocate for providing legal assistance in the disposal of the bail application.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE