

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2355 of 2018

- Jaipal S/o Late Dhanushdhari Aged About 45 Years, Caste- Harijan R/o- Village Khamhariya, P.S. And Tehsil- Udaipur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicants

Versus

- Kumari Sharda Ravi D/o Viranram Ravi Aged About 36 Years Village- Khamhariya, P.S. And Tehsil- Udaipur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
- State Of Chhattisgarh Through- District Magistrate- Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant – Shri Nishi Kant Sinha, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-05-2018

1. Heard.
2. It is submitted that this applicant has been arrested on warrant and detained in jail on account of non-appearance before the concerned trial Court. He is in jail since 16-02-2018. Because of some illness he was unable to appear before the concerned trial Court and also he was unable to contact his counsel to instruct him regarding his incapacity to appear before the said Court. The applicant was earlier granted anticipatory bail and on that basis he was at liberty. Hence, it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State opposes the application submitting that this applicant has breached the conditions imposed in the order granting bail to him. Hence, he is not entitled for bail.
4. Heard learned counsel for the parties present.
5. On the basis of the complaint case this applicant is facing trial for

offence under Section 363, 366, 376(2)(g), 452, 450, 294, 506B of the IPC.

6. As informed by counsel for this applicant that he had been at liberty on the basis of the order allowing the application for anticipatory bail by this High Court. Subsequent to his continued non-appearance before the concerned trial Court, warrant of arrest was issued against him and now he is detained in jail. The case against this applicant is pending since the year 2012, since registration of offence against him and still the trial against him is pending before the concerned Court. This applicant himself may be held responsible for the delay in conclusion of the trial, but his continued detention would not serve any purpose. The earlier order granting anticipatory bail by this High Court though not referred to in the application, but is still in existence and has not been cancelled. Hence, for this reason, I feel inclined to grant bail to this applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail 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.

8. It is made clear that this order granting bail to the applicant shall automatically stand cancelled if the applicant makes further default in appearance before the Court concerned.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge