

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3419 of 2018

- Vikki Manikpuri S/o Late Mukud Das Manikpuri Aged About 23 Years
R/o- In Front Of Govt. Primary School, Kailash Nagar, Durg, District-
Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Sho P.S. Mohan Nagar, District- Durg,
Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Goutam Khetrapal, Advocate.

For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

03/07/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.459/2017 registered at Police Station- Mohan Nagar, District – Durg(C.G.) for the offence punishable under Sections 354 & 506 of the Indian Penal Code and Section 8 of Protection of Children from sexual offences Act, 2012.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail since 1.4.2018. After completion of investigation, charge-sheet has already been filed. It is submitted that the applicant was granted bail by the trial

Court on 2.1.2018 and on that basis he had furnished bail bonds on 20.2.2018 and was released on bail. Subsequently, on 27.3.2018 it was discovered that the bond furnished by surety Vishnu Prasad was based on forged document and therefore, without affording any opportunity to the applicant to explain, a non-bailable warrant was issued against the applicant and then, he was arrested on 1.4.2018 and placed under detention. Thereafter this applicant filed bail application before the Court below and the same has been rejected on the ground that this applicant has furnished bail bonds of surety by using forged documents. Hence, it is prayed that this applicant may be ordered to be released on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. There is no need to consider this case on merits because there is already an order in favour of applicant passed by the Court below on 2.1.2018 granting bail to him and the said order has yet not been cancelled as per provisions contained Section 439(2) of the CrPC. From perusal of the order passed by the trial Court, it is clear that only second bail application of the applicant for grant of bail was rejected and it does not state about the cancellation of the order dated 2.1.2018 passed earlier by the said Court granting bail to the applicant herein. Hence, the said order granting bail is still in existence and if the applicant is willing to furnish bail bond in accordance with the order dated 2.1.2018 of the Court below, he can before the trial Court concerned, then he shall be to released on bail after due verification.

6. The application is accordingly disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha