

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 4706 of 2018**

Virendra Singh @ Ruby Singh S/o Late Om Prakash Singh Tomar
Aged About 36 Years R/o- Pujari Nagar, P.S.- Tikrapara, Raipur,
Chhattisgarh.

----Applicant**Versus**

State of Chhattisgarh, Through- The Police Station- Tikrapara,
District- Raipur, Chhattisgarh.

----Non-applicant

For Applicant	:	Dr. N.K. Shukla, Sr. Advocate along with Mr. N. Naha Roy, Advocate
For State	:	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****10/07/2018**

1. Present is a bail application filed under Section 439 Cr.P.C. for grant of bail to the applicant, who has been arrested in connection with Crime No. 589/2013 registered at Police Station Tikrapara, District Raipur, Chhattisgarh for the offence punishable under Section 302 of Indian Penal Code and Sections 25 & 27 of the Arms Act.
2. The applicant is an accused in S.T. No. 293/2013 and is being prosecuted for the offence under Section 302 of the Indian Penal Code and Sections 25 & 27 of the Arms Act.
3. The applicant at the first instance had been granted bail by this Court under Section 439 of Cr.P.C. on 30.06.2014 in MCRC No. 1922/2014. However on account of subsequent development in as much as there being a default on the part of the applicant in appearing before the trial Court, the non-bailable warrant was

issued and the applicant has since been arrested on 25.06.2018 and since then he is in custody.

4. The counsel for the applicant undertakes that the applicant shall not any further commit a default of his appearance before the trial Court and that the trial itself is pending for long and the applicant had been on bail for a considerable period of time by virtue of the bail granted by this Court in June, 2014, thereafter the applicant may be released on bail again. He further gives an undertaking that the applicant shall appear before the trial Court on every date as provided by the trial Court.
5. The State counsel however opposes the bail application on the ground that it is a case where the applicant has jumped the bail, which was granted to him, as such there is a clear violation of the conditions put by this Court while granting bail, and therefore the applicant's application needs to be rejected.
6. Having heard the contentions put forth on either side and on perusal of record what is not in dispute is that the applicant had been granted bail on 30.06.2014 on an earlier occasion and since then he was on bail and had been appearing regularly before the trial Court till 19.09.2017, when he committed default for the first occasion and subsequently had been arrested after issuance of the non-bailable warrant. For a considerable period he was out on bail and in between there does not appear to be any misuse of the conditions stipulated by the Court. Moreover the order passed by the trial Court in between had been subjected to challenge in revision, where the revision petitions have been allowed by this Court on two occasions i.e. one in Criminal Revision No. 933/2017

on 05.02.2018 and again an order in Criminal Revision No. 511/2018 on 17.05.2018. Taking into consideration the entire facts and circumstances of the case, this Court is of the opinion that prima-facie, a strong case has been made out for grant of bail to the present applicant.

7. 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.25,000/- 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.
8. The trial Court also is further directed to ensure that the trial is concluded at the earliest and the applicant also is further directed to render full cooperation in the early conclusion of the trial.

Sd/-
(P. Sam Koshy)
Judge

Ved