

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 954 of 2018**

T.J. Thomas, S/o. Late T. Jhon, Aged About 81 Years, R/o. Shanti Nagar,
Ameri Road, Bilaspur, District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The District Magistrate, Korba, District
Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Manish Nigam, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/09/2018**

1. Apprehending arrest in connection with Crime No.28/1991 (Criminal Case No.06/2007, pending before Special judge, Prevention of Corruption Act, Korba), registered at Police Station – Anti Corruption Bureau, Bhopal, Unit – Raipur (Madhya Pradesh now Chhattisgarh), in which the trial against the applicant is going on for offence punishable under Section 420, 120-B of the Indian Penal Code and Section 13 (1) (d) and Section 13 (2) of Prevention of Corruption Act, 1988.
2. It is submitted by the learned counsel for the applicant that non-bailable warrant has been issued against the applicant by the concerned Court. The reasons for non-appearance of the applicant on the date of hearing was bonafide, even then, the trial Court has

pleased to reject the application filed under Section 317 of Cr.P.C. and passed the order for issuance of non-bailable warrant against him. Therefore, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The trial is going before the concerned Court against the applicant and it appears that in that case, the applicant had been regularly appearing and was presented through counsel. On the date of hearing on 08.01.2018, the case was fixed for examination under Section 313 of Cr.P.C. and due to his non-appearance, his application under Section 317 of Cr.P.C. was rejected.
6. After considering on the facts and circumstances of the case and also for the reasons that the applicant had been on bail in the trial against him and he is ready to appear and participate in the trial before the Court concerned, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the

concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram