

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7700 of 2017

- Yashwant Soni S/o Puran Soni, Aged About 24 Years, R/o Village Mauharibhantha, Mahasamund, Police Station Mahasamund, District Mahasamund, Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Mahasamund, District Mahasamund, Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Vikash Pradhan, Advocate.

For Non-applicant/State – Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-02-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 25-10-2017 in connection with Crime No.531/2012 registered at Police Station Mahasamund, District Mahasamund, Chhattisgarh for the offence under Section 380, 457 of the IPC.

2. It is submitted on behalf of the applicant that the applicant had been released on regular bail by the trial Court itself on 19-12-2012. The trial was continuing against him, but the applicant got impression that the trial against him is concluded and stopped giving appearance before the said Court, thereafter, he has been arrested on the warrant issued by the concerned Court and placed in detention since 25-10-2017. The application for bail has been rejected by the trial Court and his application under Section 439 has been rejected by the Sessions Court as well. It is prayed that the applicant is ready to abide by all the conditions imposed on grant of regular bail, hence, he may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant had jumped the bail earlier granted to him and

because of which the trial against him has remained pending since long. Hence, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The case against the applicant is under Section 457, 380 of the IPC. The applicant was on regular bail from the trial Court itself. Because of his non-appearance before the said Court he has been arrested and detained since 25-10-2017.

6. As the trial against this applicant is likely to take some more time before its conclusion and no purpose would be served if he is kept in continue detention till conclusion of the trial, I am of this opinion that he should be released on regular bail.

7. Consequently, the application (MCRC No.7700/2017) filed under Section 439 of the Cr.P.C. by the applicant 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. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge