

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
Cr.M.P No.2302 of 2018

Lakhan Lal S/o Rameshwar Chandra Aged About 59 Years R/o Village Barbhatha, Police Station And Tahsil Dabhra, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Dabhra, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

-----Respondent

For Petitioner: Shri HS Patel, Advocate.
 For Respondent/State: Shri Ravindra Agrawal, Government Advocate.

Single Bench: Hon'ble Shri Sanjay Agrawal, J
Order On Board

02.11.2018

1. This Petition has been filed for modification of the order dated 13.10.2017 passed by this Court wherein, while allowing the Petitioner's application filed under Section 439 Cr.P.C, this Court had granted him bail under certain terms and conditions. One of the conditions, which is sought to be modified is relevant for the purpose and which is mentioned at paragraph-10 of the said order is reproduced as under:-

“10. The applicant is further directed to appear before the concerned SHO/IO/in-charge of the Police Station Dabhra, District Janjgir-Champa on every Monday at 11 am positively till trial. If the applicant fails to do so, concerned police may intimate the trial Court and if the trial Court held that the applicant remains absent without any cogent

reason and proper reason as directed, the bail granted to applicant shall stand cancelled by the trial Court without further reference to the bench under intimation. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.”

2. According to Shri Patel, the concerned police authority is threatening to send the Applicant to jail by not taking his attendance on 22.10.2018. He immediately reported the said fact to the Superintendent of Jail, Janjgir on the same day itself. It is therefore submitted by Shri Patel that the Petitioner is very much in apprehension that he may be sent to Jail for violation of the said term as stipulated in paragraph-10 of the said order and therefore prays for relaxation of the said condition.

3. On the other hand, Shri Agrawal, learned Counsel for the State opposes the said prayer and submits that while passing the said order, the Court has observed at paragraph-4 that the Petitioner is a habitual offender and as many as 15 cases have been registered against him and therefore, the alleged terms and conditions as mentioned in paragraph-10 should not be modified, as contended by Shri Patel.

4. I have heard learned Counsel for the parties and perused the entire relevant papers annexed with this Petition carefully.

5. Having considered the facts and circumstances of the case, in particular, the report lodged by the Petitioner on 22.10.2018, I am of the view that the said condition is required to be relaxed to some extent. Accordingly, it is directed that the Petitioner shall now appear on 12.11.2018 before the concerned SHO/IO/in-charge of the Police Station Dabhra, District Janjgir-Champa at 11.00 a.m and thereafter shall continue to appear on every 1st Monday in every alternate month at 11.00 a.m positively till the conclusion of

the trial. It is made clear that the rest of the conditions as mentioned in the said paragraph shall remain as it is.

6. The instant Petition is accordingly allowed and the condition enumerated at paragraph-10 of the said order is modified to the extent stated above. No order as to costs.

C.C tomorrow.

Sd/-
(Sanjay Agrawal)
JUDGE

Priya