

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.857 of 2019**

Mukeem Ahmad, S/o Mujib Ahmad, aged about 22 years, R/o Village, Post and Police Station Kelhari, District Korea (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Kelhari, District Korea (CG). **---- Non-applicant**

For Applicant : Mr. Anil Gulati, Advocate.
For Non-applicant/State : Mr. S.R.J. Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

19.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other Court.
2. The applicant has been arrested in connection with Crime No.36/2008 registered in Police Station Kelhari, District Korea for the offence punishable under Sections 365, 366 of IPC and Sections 3(2)(5) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.
3. The applicant is facing trial for the offences punishable under Sections 365, 366 of IPC and Section 3(2)(5) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act. The applicant was released on bail by the trial Court on 12.05.2008. Thereafter, he was failed to appear before the trial Court. Against that, the trial Court issued arrest warrant against him. He was arrested on execution of said non-bailable warrant. The trial Court released him again on bail on 09.02.2017 and, thereafter, he again failed to appear before the trial Court. On 22.06.2018, the trial Court issued permanent arrest warrant against him. On the execution of permanent arrest warrant, he was arrested on 09.09.2018 and now he is in jail in judicial custody.
4. Counsel for the applicant submitted that the benefits of Section 439 of CrPC may be granted to the applicant. If he grants bail, in future he shall regularly appear before the trial Court.
5. Counsel for the State opposed for grant of bail to the applicant.
6. Looking to these facts and circumstances of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence; and the trial is likely to take some more time for its final disposal, this Court is inclined to give benefits of Section 439 of the CrPC to the applicant. Accordingly, the bail application is allowed.
7. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.25,000/- along with a personal bond in the sum of Rs.50,000/- to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 am as and when directed till trial and he would co-operate during the trial, he shall be released on bail and he shall not commit such type of act in future.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE

L/-