

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1371 of 2019**

Mansur Ansari, S/o Jahid Minya, aged about 42 years, R/o Ugra, P.S. Bhandariya, District Gadva, Jharkhand.

----Petitioner

Versus

State of Chhattisgarh through the Police Station – Balrampur, District – Balrampur – Ramanujganj (C.G.)

---- Respondent

For Petitioner	: Mr. Vikash Pandey, Advocate.
For Respondent/State	: Ms. Shivali Dubey, PL

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board**

18/06/2019

(1) By the impugned order, the petitioner's application for grant of bail has been rejected by the trial Court for want of original record/case diary, against which this petition under Section 482 of the Cr.P.C. has been preferred.

(2) I have heard learned counsel appearing for the parties.

(3) Admittedly, the petitioner has made an application for grant of bail in the Criminal Case No. 93 of 2019, which has been rejected for want of original record / case diary. It was the duty on the part of the learned Additional Sessions Judge, Balrampur – Ramanujganj to trace out the record and consider the application for grant of bail on its merits. It is not the correct way to dispose off the bail application on the ground that the original record is not available; and the bail application cannot be rejected in such a mechanical manner.

(4) In view of above, the impugned order dated 29.04.2019 is set aside. Additional Sessions Judge shall proceed to trace out the original record / case diary and consider the application for grant of bail afresh within a period of 07 days from the date of receipt of certified copy of this order.

(5) Sessions Judge, Balrampur - Ramanujganj is directed to do the needful for making out the original record /case diary of the case available to concerned court.

(6) The petition under Section 482 of the Cr.P.C. is allowed to the extent indicated hereinabove.

(7) A copy of this order be sent to the Sessions Judge / Additional Sessions Judge, Balrampur Ramanujganj for compliance and needful.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

