

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4881 of 2019

- Krishna Kumar S/o Late Sukchand Aged About 27 Years R/o Bazaarpara, Kondagaon, Tahsil And District Kondagaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kondagaon, Kondagaon Chhattisgarh

---- Non-applicant

For Applicant : Mr. Raza Ali, Advocate.

For Non-applicant/State : Mr. Roshan Dubey, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-09-2019

1. Heard on the application filed under Section 439 of the Cr.P.C.
2. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 30.03.2019 in connection with Crime No.316/1998, registered at Police Station—Kondagaon, District- Kondagaon, Chhattisgarh for offence punishable under Section 324/34 of Indian Penal Code.
3. It is submitted by learned counsel for the applicant that the applicant has been prosecuted for the offence under Section 324/34 of I.P.C. in the year 1998, when he was of age 18 years. The trial in the case continued and the counsel appearing for the applicant before the trial Court had misinformed that his case has been concluded, that is why, he stopped giving appearance before the Court in the year 2007. Thereafter, the applicant has been arrested on permanent warrant of arrest on 30.03.2019. This applicant has never avoided the trial

deliberately, but because of the misinformation given by the learned counsel, he has not appeared before the Court below. The applicant is ready to abide by all the conditions imposed by the Court for grant of regular bail.

4. Learned counsel for the State/non-applicant opposes the application and submits that this applicant has remained absconding for about 12 years because of which the trial against him has remained pending. Hence, he is not entitled for grant of bail.
5. Heard learned counsel for the parties and perused the case diary.
6. Considering that the applicant was on bail previously, even then the trial has continued for almost nine years and was not completed by trial Court in the year 2007, which appears to be surprising and after the arrest of this applicant on 30.03.2019, it further appears that the trial against him has still not been concluded. Therefore, after due consideration, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail 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. It is further directed to the trial Court to conclude the trial against the applicant within a period of three months.

Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge