

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No.1773 of 2019

Sukhdev @ Dev Netam, aged about 19 years, S/o Gad Singh,
R/o Village Khamhariya, P.S. Newara, District Raipur (CG).

---- Petitioner

Versus

State of Chhattisgarh, through Police Station Vidhan Sabha,
Raipur, District Raipur (CG).

---- Respondent

For Petitioner : Mr. Akhilesh Kumar, Advocate
For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

13/11/2019

- (1) Heard on I.A. No.1/2019 application for taking document on record.
- (2) After due consideration, I.A. No.1/2019 is allowed. Document filed along with this application is taken on record.
- (3) Heard on admission.
- (4) The petitioner has preferred the instant petition under Section 482 of the Criminal Procedure Code to extend the bail of the petitioner in the interest of justice.
- (5) Earlier this Court has granted bail to the petitioner vide order dated 17.01.2019 passed in M.Cr.C. No.9836/2018.
- (6) The relevant portion of the said order is quoted herein below:-

“It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with

a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he shall appear before the Trial Court at 11:00 a.m. as and when directed till trial and he would co-operate during the trial, he shall be released on bail.”

(7) During the trial on 28.05.2019 the case was fixed for prosecution's evidence before the trial Court. One witness Dr. Santosh Bhandari was present. The petitioner was absent. His counsel has filed an application under Section 317 of Cr.P.C., which was rejected by the trial Court. The trial Court cancelled the bail and bond of the petitioner and ordered that non-bailable warrant be issued against him.

(8) Counsel for the petitioner submitted that on 28.05.2019 the vehicle of the petitioner was burst. His non-appearance was bonafide, hence the petitioner's bail may be extended.

(9) Looking to the above mentioned facts and circumstances of the case, in the case in hand, the provisions of Section 482 of CrPC do not attract; and the bail cannot be extended and the surety and bond have been rightly forfeited by the trial Court. Consequently, the instant CrMP is not admitted for final hearing and dismissed in limine.

Sd/-
(Sharad Kumar Gupta)
Judge

L/-