

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5694 of 2019

- Atul Kumar Shrivastava, S/o Shri J.N.L. Shrivastava, aged about 48 years, R/o Super Estate Colony, Mahaveer Nagar, Math Purena, District Raipur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Ganj, District- Raipur, Chhattisgarh

---- Non-applicant

<u>29/08/2019</u>	Mr. T.K. Tiwari, Advocate for the applicant. Mr. Ghanshyam Patel, G.A. for the State. Heard. This is the third bail application filed by the applicant. Learned counsel for the applicant submits that the applicant was granted temporary bail vide order dated 30.07.2019 in M.Cr.C. No.4770/2019 for a period of one month and the period of bail is going to be expired on 2nd September, 2019. The new development that has taken place is this that the father of the applicant has expired on 23.08.2019, therefore, for the performance of final rites of his father, it is prayed that the temporary bail granted earlier to the applicant may be extended for further 15 days and this petition may be disposed off. Learned counsel for the State opposes the application on this ground that the applicant should have filed application under Section 482 of Cr.P.C. praying for extension of the bail granted earlier. Therefore, the prayer which is made by the counsel on behalf of the applicant is not maintainable. Heard learned counsel for both the parties and perused all the documents. As it has been prayed by the learned counsel for the applicant that he is seeking another extension of temporary bail granted to the applicant

and after perusing the documents present along with the application regarding the death certificate of the father of the applicant which shows that the father of the applicant has expired on 23.08.2019. Hence, after due consideration, I feel inclined to allow this prayer for extension of bail.

Although this application for grant of bail has been filed under Section 439 of Cr.P.C., however, treating it as an application under Section 482 of Cr.P.C., the bail granted to the applicant in M.Cr.C. No.4770/2019 vide order dated 30.07.2019 is extended for further 15 days.

Accordingly, the petition is disposed off.

Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge