

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1589 of 2019

- Pramod Sahu, S/o Shri Santram Sahu, Aged About 38 Years, Residence Sector-3/a, Balco Ward No. 29, Korba Presently R/o Gayatri Mandir Mopka P. S. Sarkanda Bilaspur Tahsil & District-Bilaspur Chhattisgarh.

---- Applicant

Versus

1. State of Chhattisgarh Through The Station House Officer, Police Station Sarkanda, District-Bilaspur Chhattisgarh.
2. State of Chhattisgarh Through The Station House Officer, Police Station Mahila Thana Bhilai, District-Bilaspur, Chhattisgarh.

---- Respondents

For Applicant : Mr. Avinash K. Mishra, Advocate.
For Respondent/State : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

26/09/2019

1. This is 2nd bail application of this applicant for grant of anticipatory bail.
His first application bearing MCRC(A) No.1005 of 2019 was dismissed as withdrawn vide order dated 16.08.2019 with a direction to the Court below concerned to decide regular bail application of applicant preferably and practicably on the same day on which the applicant surrenders before the said Court.
2. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.417/2019 registered at Police Station-Sarkanda, Bilaspur, District – Bilaspur(C.G.), for the offence punishable under Sections 498A/34 of

the Indian Penal Code and Section 4 of Dowry Prohibition Act.

3. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that the applicant appeared and surrendered before the Court of CJM, Bilaspur where he was informed that the case is now transferred to the Court at Durg in compliance of the order of this Court dated 16.7.2019 passed in WPCR No.471 of 2019 and therefore, the Court of CJM, Bilaspur has no jurisdiction to accept surrender of applicant and entertain his bail application.
4. As the case against the applicant has been transferred to the Court having jurisdiction in Durg, therefore, the order of this Court in MCRCA No.1005 of 2019 shall be applicable to the Court having jurisdiction in Durg. Accordingly, the applicant is directed to surrender before the Court having jurisdiction in Durg. Further, the Court below concerned is directed to consider and decide the applicant's application for grant of regular bail preferably and practicably on the same on which date the applicant will surrender before the said Court.
5. The application is accordingly disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge