

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1606 of 2019

1. Vishwajeet Maiti S/o Bablu Maiti Aged About 39 Years R/o Village Shri Krishnapur, Police Station - Ulberiya, District - Hawrah West Bengal
2. Smt. Basanti Maiti W/o Vishwajeet Maiti Aged About 39 Years R/o Village Shri Krishnapur, Police Station - Ulberiya, District - Hawrah West Bengal

---- Applicants

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Kamleshwarpur, District - Surguja Chhattisgarh.

---- Respondent

For Applicants	: Mr. Rajbahadur Singh, Advocate.
For Respondent/State	: Mr. Ajay Kumrani, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/11/2019

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 15/2018, registered at Police Station Kamleshwarpur, Distt. Surguja (C.G.), for the offence punishable under Sections 363, 366, 368, 376, 344, 323, 34 of the IPC and Section 5 L/6 of POCSO Act, 2012.
2. Vide order dated 06.12.2018 of this Court passed in MCRC No. 9043/2018, an application for grant of regular bail to the applicants has been allowed and trial is going on in ST No. 68/2018 before the Additional Sessions Judge (FTC), Ambikapur (C.G.). Thereafter, the learned judge fixed the case for evidence of prosecution witnesses on 07.05.2019, but the applicants were not able to appear before the said Court because there was an election of Lok Sabha in the state of West Bengal which is

the residential place of the applicants due to that transport facilities were not available during that period. The applicants through their counsel moved an application for exemption of personal appearance but the same has been rejected by the learned Additional Sessions Judge (FTC), Ambikapur (C.G.) and issued arrest warrant against the applicants. For apprehending their arrest, the present anticipatory bail application has been filed by the applicants.

3. Learned counsel appearing on behalf of the applicants submits that on 07.05.2019, due to some bonafide reason they were not present before the Trial Court, in spite of that the Trial Court has issued arrest warrant against the applicants. They have not misused the liberty granted by this Court and on the date of hearing of the case they were not present only because in the residential place of the applicants, Lok Sabha Election was conducted on the said period and no transport facilities were available. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that the applicants were not present before the Trial Court because no transport facilities were available in the residential place of the applicants due to the election of Lok Sabha in the State of West Bengal. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-

- I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- III. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge