

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.R. No. 1283 of 2019

1. Mukesh Yadav, S/o. Shri Tufani Yadav, Aged About 29 Years, R/o. Ward No. 15, Patpar Dafai, Jhagarkhand, Thana And Tahsil Manendragarh, Civil And Revenue District Korea Chhattisgarh.
2. Ravi Rajak, S/o. Shri Govind Prasad Rajak, Aged About 23 Years, R/o. Moharpara Manendragarh, Thana and Tahsil Manendragarh, Civil And Revenue District Korea Chhattisgarh.

---- Petitioners

Versus

State Of Chhattisgarh, Through : District Magistrate Baikunthpur, District Korea Chhattisgarh.

-----Respondent

For Petitioners	: Mr. Anil Gulati, Advocate
For Respondent/State	: Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/10/2019

1. It is submitted by the counsel for the petitioners that the petitioners were earlier granted bail by the trial Court itself and the petitioners were giving appearance before the trial Court, however because of their absence on one date 24.07.2019 order was passed forfeiting their bail bonds and warrant of arrest was issued against them. The petitioners then surrendered before the trial Court on 13.08.2019 and made a prayer for cancellation of warrant of arrest as well as for grant of bail. The application has been dismissed on 14.08.2019 in an arbitrary manner.
2. It is submitted that earlier order by which the petitioners were granted bail is still in force and without cancellation of bail, the petitioners could not have been denied release on bail on the basis of prayer made by

them. Therefore, the order passed is erroneous and without any merits, therefore, the relief be granted to the petitioners.

3. State counsel opposes the petition and submits that application has been rightly rejected by the trial Court for the reason mentioned in the impugned order dated 14.08.2019 that because of non-appearance of the petitioners, trial in the case was withheld. Hence, the petition be dismissed.
4. On perusal of the order sheet of the trial Court, it is found that the petitioners were earlier granted bail by the trial Court itself and they were giving appearance before the Court. The Court below had authority to issue warrant of arrest in case of non-appearance of the petitioners and it has been accordingly done. But subsequent to that after appearance of the petitioners, their prayer for release on bail could not have been dismissed in the manner in which it has been dismissed without canceling the earlier order granting bail. Therefore, the earlier order granting bail is still in force, the petitioners have entitlement to make prayer for release on furnishing bail bonds as ordered in the earlier order. Hence finding that the impugned order so passed is erroneous, this petition is allowed at the motion stage and the impugned order is set-aside. The petitioners have liberty to file application praying for releasing them on bail by furnishing bail bonds as ordered in the earlier order granting bail.
5. Accordingly, the petition is disposed off.

Sd/-
(Rajendra Chandra Singh Samant)
Judge