

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 643 of 2020

- Ritesh Shrivastava S/o Shri Ramnarayan Shrivastava Aged About 24 Years R/o Village- Ghuru, Thana- Sakri, Tahsil- Takhatpur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sakari, Civil And Revenue District Bilaspur, Chhattisgarh.

---- Respondent

 For Applicant : Shri Sumit Shrivastava, Advocate
 For Respondent/State : Mr. Akhtar Hussain, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

03.02.2020

1. Today, the case was listed for hearing on the application for grant of ad-interim bail but with the consent of both the parties matter heard finally.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.132/2019, registered at Police Station Sakri, District- Bilaspur (CG) for the offence punishable under Section 376 of the IPC.
3. Earlier, the applicant was granted anticipatory bail by this Court vide order dated 28.06.2019 in MCRC No. 922/2019 and he was directed to appear before the trial Court on each and every date given by the said

Court. But the applicant could not appear before the trial court on the dates of appearance given to him, therefore, the bail granted to him was cancelled and he has been arrested on 12.01.2020.

4. Learned counsel for the applicant submits that the applicant has not committed any offence and because his counsel did not inform the applicant the exact date of appearance before the trial Court, therefore, the applicant could not appear before the trial Court on the dates of appearance given to him. He submits that now the applicant is in jail since 12.01.2020 and trial may take some time for its final disposal therefore, the applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, particularly considering that the applicant was earlier granted anticipatory bail and due to some bonafide reasons he could not appear before the trial court, and now he is in jail since 12.01.2020, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs. 25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. The trial Court is free to forfeit the previous personal bonds of the applicant as per its discretion.

Sd/-
(Rajani Dubey)
JUDGE