

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2639 of 2020**

- Chitrakant @ Chittu, S/o Bisahu Ram Sahu, Aged About 26 Years, R/o Arjuni, Police Station- Arjunda, District- Balod, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through S.H.O. - Police Station - Arjunda, District- Balod, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Hemant Gupta, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

12.06.2020

1. The accused/applicant has filed this application for grant of bail on this ground that his sentence was suspended under Section 389 of Cr.P.C. but he did not appear before the learned appellate Court on the date of hearing. Therefore, learned appellate Court issued warrant against him and he surrendered before appellate Court and filed application under Section 439 of Cr.P.C. before the appellate Court which was rejected.
2. Learned State counsel submits that applicant's sentence was suspended under Section 389 of Cr.P.C. Therefore, bail application under Section 439 of Cr.P.C. is not maintainable.

3. Looking to the facts and circumstances of the case and pandemic COVID-19 situation, this application is disposed of with a direction to the applicant to file application before the learned appellate Court and learned appellate Court shall release him on certain conditions as per its discretion, till final hearing of the case.

**Sd/-
(Rajani Dubey)
Judge**

Ruchi