

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2971 of 2020

- Ambikeshwar Singh @ Ambika Singh S/o Late Awadh Bihari Singh, Aged About 59 Years Caste Kushwaha, R/o Village Chanwaaridand, Tehsil And Police Station Khadgawan, Presently R/o Sonawani, Dumanhill District Koriya Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through P.S. A J K, Baikunthpur, District Koriya Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pawan Shrivastava, Advocate.
For State/respondent	: Mr. Ravi Bhagat, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

02/06/2020

1. This is bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.16/2019 registered at Police -Station- AJK, Baikunthpur, District-Koriya(C.G.) for the offence punishable under Sections 376(2)(n)(f) r/w 34 of IPC, Section 4, 5(n) and 6 of POCSO Act, 2012 and Section 3(2) (v) of SC/ST (Prevention of Atrocities) Act, 1989.
2. This is second application of this applicant. The earlier application filed by this applicant MCRC No.5470/2019 decided on 3.10.2019 granting regular bail to the applicant. Subsequent to that the applicant was

released from jail after furnishing bail bonds before the concerned Court. However, during trial the applicant could not give appearance on 3.12.2019 because of which he has been arrested and detained in jail. The applicant filed the application before the Sessions Court, which has been rejected without appreciating that the order of this Court granting bail to the applicant is still in-force, hence, this application be allowed.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As the applicant has been granted regular bail, the order dated 3.10.2019 in MCRC No.5470/2019 which has not been canceled or set aside by this Court, the Court below has no capacity to ignore the existence of this order. Therefore, the arrest and detention of the applicant on account of his non-appearance on the given date though appears to be proper, but the prayer for release on bail could not have been denied by the Sessions Court, on account of the existence of the order dated 3.10.2019, therefore, this application is disposed off with a direction to the Sessions Court that if the applicant is ready and prepared to furnish bail bonds in accordance with order of this Court mentioned hereinabove, then he may be released on bail accordingly.

Sd/-

(Rajendra Chandra Singh Samant)
Judge