

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3867 of 2020**

- Suresh Nishad S/o Late Budhuram Nishad Aged About 45 Years Resident Of Village - Jamghat, Police Station- Berla, District - Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

----- Applicant
(In Jail)

Versus

- State Of Chhattisgarh Through It's Police Station- Berla District - Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

----- Respondent

For Applicant :- Mr. Ravi Maheshwari, Advocate.
For State/Respondent:- Mr. Animesh Tiwari, Dy. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

13/07/2020

1. Proceedings of this matter have been taken up through video conferencing.
2. This is an 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. 32/2016, registered at Police Station-Berla, Civil & Revenue, District Bemetara (CG), for the offence punishable under Sections 34(1), of the Chhattisgarh Excise Act.

3. Case of the prosecution, in brief, is that, the bail was granted earlier to the applicant by the Jurisdictional Criminal Court but he failed to appear on 13.02.2019 and consequently bail was canceled and he was arrested on 01.05.2020.

4. Learned counsel for the applicant submits that the applicant committed the mistake only once due to unavoidable reason he could not appear on 13.02.2019 and if the bail is granted he will appear before the Court regularly.

5. On the other hand, learned counsel for the State opposes the bail application.

6. I have heard learned counsel appearing for the parties.

7. Taking into consideration the facts &

circumstances of the case, nature & gravity of offence, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

9. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23/03/2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail

bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds.

10. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Ankit