

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4346 of 2020

- Gulab Khute S/o Shri Pawan Khunte, Aged About 22 Years, R/o Satnamipara, P.S. Urla, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through: The Station House Officer, Police Station Urla, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Keshav Prasad Gupta, Advocate.

For Non-applicant/State – Shri D.P. Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-07-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 08-05-2020 in connection with Crime No.30/2017 registered at Police Station – Urla, District Raipur, Chhattisgarh for the offence under Section 341, 354, 354/A & 506/34 of the IPC and Section 12 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that this is second application filed for grant of bail to the applicant. The applicant was granted bail by order dated 10-01-2018 passed by this Court in MCRC No.6520 of 2017 and thereafter he was released on bail. It is further submitted that the applicant for valid and bonafide reasons could not give appearance before the court on 02-03-2020, thereafter, he has been arrested and detained on non-bailable warrant issued by the court from 08-05-2020. His application for grant of bail has been rejected by order dated 19-05-2020 of Additional Sessions Judge, FTC, Raipur. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application

and submits that the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the documents.

5. The order granting bail passed by this Court dated 10-01-2018 in MCRC No.6520 of 2017 is still in existence, which has not been cancelled or set aside, therefore, learned court below has committed an error in not releasing the applicant on the terms that are mentioned in aforesaid order and passing the order of rejection. The applicant is still entitled to be released on bail on the basis of the order dated 10-01-2018. Therefore, this application is allowed at motion stage and the learned trial court is ordered to release the applicant on bail in accordance with the terms in the order dated 10-01-2018 passed in MCRC No.6520 of 2017.

6. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge