

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6421 of 2020

- Himanshu Banjare S/o Dharamdas Banjare Aged About 25 Years Village Ward No. 15, Near Jaistambh, Sikolabasti, Thana Mohan Nagar, Tahsil And District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Mohan Nagar, District Durg Chhattisgarh

---- Non-applicant

For Applicant : Ms. Swati Verma, Advocate.

For Non-applicant/State : Mr. D.P. Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 13.03.2020 in connection with Crime No.272/2014, registered at Police Station- Mohan Nagar, District- Durg, C.G. for offence punishable under Sections 354 and 506-I of I.P.C. and Section 8 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant has been prosecuted for commission of offence under Section 354 and 506 of I.P.C. and Section 8 of POCSO Act before the trial Court. The applicant was granted bail by the trial Court itself, however, he could not give appearance on the date fixed, as he had been out of State to earn his livelihood. The applicant was then arrested on the basis of the non-bailable warrant issued against him on 13.03.2020 and his application for bail has been erroneously dismissed by the Court below. The applicant intends to appear and contest in the trial, therefore, it is prayed

that he may granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant has repeatedly absented himself in the proceeding pending before the trial Court because of which, the trial has remained withheld for long time, therefore, this applicant is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. Considered on the submissions, as it is found that the applicant had been granted bail by the trial Court itself and at present, he is in custody because of the default committed by him. His detention at present is already about 07 months and there is no likelihood of the trial to proceed and conclude in near future. Therefore, I feel inclined to allow this application.
6. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his 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, on condition as imposed by the concerned Court.
7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge