

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.7390 of 2020**

- Sushil @ Sunil Nirmalkar S/o Khilawan Nirmalkar Aged About 27 Years R/o Village Funda, Tahsil And Police Station Patan (Wrongly Mention As Vahsil In The Order Sheet), District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Police Station Patan District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicants	:	Shri Mayank Chandrakar, Advocate
For Respondent/State	:	Smt. Hamida Siddiqui, Dy.AG

Single Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****08/12/2020**

Heard.

1. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.127/12 registered at Police Station Patan, Durg, District Durg for the offence punishable under Section 450, 376(1)(7) and 506(B) of IPC. The applicant was arrested on 04-07-2020.
2. The applicant has filed this bail application on the background that earlier the applicant was granted bail by the Court, but later on, he jumped bail and did not appear as many as 13 hearing since 20-12-2013 and remained absconding for 6 & ½ years and thereafter, he was arrested after execution of permanent warrant of arrest issued by the trial Court.
3. Learned counsel for the applicant would submit that the applicant never intended to jump bail so as to cause delay in trial. He also submits that the applicant jumped bail on the ground that he had gone outside in search of employment and at this stage, the applicant may be granted bail by imposing appropriate conditions so that the trial may not be adversely effected.
3. On the other hand, learned counsel for the State/non-applicant opposes the bail application by submitting that the present is a case, where the applicant

is charged of commission of grievous offence under Section 376 of IPC and he jumped bail and remained absconding for 6 & ½ years until he was arrested in execution of permanent warrant of arrest.

4. Considering the submission made by learned counsel for the parties, particularly the conduct of the applicant that he remained absconding for a period of 6 & ½ years until he was arrested in execution of permanent warrant of arrest for commission of heinous offence under Section 376 of IPC, I am of the opinion that present is not a fit case for grant of bail.

5. Accordingly, the application is rejected. The trial Court shall expedite the trial. In case, trial is not concluded within a period of four months, the applicant would be at liberty to apply for grant of regular bail.

Certified copy as per rules.

SD/-
(**Manindra Mohan Shrivastava**)
Judge