

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8829 of 2020

Khilendra Sahu, S/o Shri Biken Sahu, Aged About 19 Years, R/o Village- Pipartola Bade, Police Station Sahaspur Lohara, (wrongly mentioned as Singhanpuri Jangal in the order sheet), Tahsil- Sahaspur Lohara, District- Kabirdham (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through District Magistrate, District- Kabirdham (C.G.)

--- Respondent

For Applicant : Mr. Dharmesh Shrivastava, Advocate.
For State/ Respondent : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02/12/2020

1. Heard on I.A. No. 01/2020, application for grant of interim/ temporary bail.
2. The applicant has been arrested in connection with Crime No. 329/2019, registered at Police Station – Kawardha, District – Kabirdham (C.G.) for the offence punishable under Section 376, 506, 120-B, 34 of the I.P.C.
3. It is submitted by learned counsel for the applicant that the applicant is appearing as private student in Higher Secondary School Certificate Examination. The exam has already been started from 28.11.2020, however, the remaining papers are to be held on 04.12.2020 to 05.12.2020 and the applicant wishes to

appear in the said examination. It is also submitted that subsequent to the written examination, practical examination will be held in between 15.12.2020 to 22.12.2020. The applicant was earlier granted temporary bail by this Court in MCRC No. 1384 of 2020 vide order dated 02.03.2020 for the purpose of appearing in examination. The applicant has abided by the conditions and surrendered after the time of temporary bail was lapsed and he has not misused the liberty granted to him. Therefore, he may be granted interim/ temporary bail for appearing in the examination.

4. Learned State counsel opposes the application for grant of interim bail and submits that out of 5 papers, in which, the applicant had to appear, 3 papers have already been conducted, therefore, no purpose would be served, if the applicant is granted temporary bail for appearing in the remaining papers. Earlier, his regular bail application, has been rejected by this Court on merits, therefore, he is not entitled for grant of temporary bail and application for grant of temporary bail may be rejected.
5. Considered on the submissions and the facts present in this case. This is sixth bail application filed by the applicant for grant of bail. This application for grant of temporary bail has been filed during pendency of the fifth application for grant of regular bail. As per the prayer made, this application is related to future prospects of the applicant and further, he has not misused the liberty that was earlier granted to him by this Court for appearing

in the examination, therefore, I feel inclined to allow I.A. No. 01/2020, application for grant of interim bail.

6. Accordingly, I.A. No. 01/2020, application for grant of interim bail is allowed.
7. It is directed that the applicant shall be released on bail for a limited period i.e. **upto 23rd December, 2020** from the date of furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court and thereafter the applicant shall surrender before the trial Court on **24th December, 2020**.
8. After passing of this order for grant of temporary bail to the applicant, the instant bail application MCRC No. 8829 of 2020 filed under Section 439 of the Cr.P.C., is also disposed of.

Certified copy today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge