

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3481 of 2021**

1. Durgesh, S/o. Shri Aatma Ram, aged about 23 years, Caste-
Suryavanshi,
2. Govinda, S/o. Shri Ram Gopal, aged about 25 years (at present 27),
Caste- Suryavanshi,

Both are R/o Village- Nariyara, Police Station- Mulmula, Civil and
Revenue District- Janjgir- Champa, Chhattisgarh.

---- Applicants**Versus**

State of Chhattisgarh, Through : The Station House Officer, Police Station-
Pamgarh, Civil and Revenue District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicants : Mr. Parasmani Shrivastava, Advocate

For Respondent/State : Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****20/07/2021**

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.76/2019, registered at Police Station – Pamgarh, District – Janjgir-Champa (C.G.) for the offence punishable under Section 436, 324, 307, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicants that earlier the applicants were granted bail by this Court vide order dated 29.07.2019 in M.Cr.C. No. 3715 of 2019, subsequent to that, when the applicants were at liberty, they could not give their appearance, before the trial Court on the date fixed for hearing because of some reasons, therefore, the trial Court has ordered for issuance of arrest

warrant, on which, the applicants have been arrested on 12.04.2021 and they are in jail. Prayer for bail has been rejected by the Sessions Court. Therefore, it is prayed that the application be allowed and the applicants may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As the applicants have been granted bail by this Court vide order dated 29.07.2019 in M.Cr.C. No. 3715 of 2019 because they were found entitled for grant of bail on merits. As it is a case of default in appearance, before the Court below, therefore, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge