NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRC No. 4048 of 2021

Ramprasad @ Budu Giri, S/o Bhaiyalal Giri, Aged about 75 years (wrongly mentioned as 60 years in bail rejection order of court below), R/o Mahora Padlipara, Police Station Lundra, Distt. Surguja, Chhattisgarh.

---Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Lundra, Distt. Surguja, Chhattisgarh.

--- Non-applicant/State

For Applicant :- Mr. Jitendra Shrivastava, Advocate
For State :- Mr. Siddharth Dubey, Dy. G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

27/08/2021

1. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 21/2015, registered at Police Station-Lundra, District Surguja (C.G.), for the offence punishable under Section 376(1) of the Indian Penal Code.

2. The applicant herein was released on bail on 20/04/2015 for the aforesaid offence and thereafter, he jumped bail on 04/04/2019 and in

consequence thereof, warrant of arrest was issued and he has been arrested on 09/03/2021.

3. Learned counsel for the applicant submits that the applicant is aged about 75 years and he underwent surgery therefore, he could not appear on 04/04/2019 when the case was called up for hearing, as such, he be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the nature and gravity of the offence, the facts and circumstances of the case and further considering the reason assigned due to which the applicant could not appear on 04/04/2019 and considering that the applicant has been in custody for more than 5 months, I consider that the present is a fit case in which the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on 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, the applicant shall be released on bail.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet