

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.5076 of 2021

- Goverdhan Behra S/o Pandit Behra Aged About 23 Years R/o Store Para, Puraina Ward No. 39, Old Bhilai District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Dhamdha, District Durg Chhattisgarh

---- Non-applicant

For Applicant : Mr. Purnendra Khichariya, Advocate.

For Non-applicant/State : Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

07-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the second bail application filed for grant of regular bail. The applicant has been arrested on 09.06.2021, in connection with Crime No.97/2018, registered at Police Station- Dhamdha, District- Durg, C.G. for offence punishable under Sections 363, 366 and 376 of I.P.C. and Sections 5(३) and 6 of POCSO Act.
2. It is submitted that the applicant was earlier granted bail by this Court in M.Cr.C. No.6110/2018 vide order dated 27.09.2018. During the continuation of trial, the applicant could not appear on the date of hearing, therefore, non-bailable warrant was issued against him on which he was arrested and detained on 09.06.2021 and his application for cancellation of warrant and grant of bail before the trial Court has been dismissed.
3. It is submitted by learned counsel for the applicant that the earlier order

of bail by this Court is still existing and continuing, it has not been canceled, therefore, this applicant may be granted bail.

4. Learned counsel for the State/non-applicant opposes the application and makes formal objection.
5. Complainant- Raju Kumar Behra is virtually present before this Court through the Help Desk of D.L.S.A. Durg and he has no objection in grant of bail to the applicant.
6. Heard learned counsel for the parties and perused the case diary.
7. As it appears that this applicant was already at liberty on the basis of the bail granted by this Court and the same order has not been canceled by this Court. Therefore, the prayer in the application is allowed and the learned trial Court is directed to allow the applicant to furnish bail bonds in accordance with the order dated 27.09.2018 in M.Cr.C. No.6110/2018 and release him on bail.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge