

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7016 of 2021**

Sandeep Kumar, S/o Sulendra Singh, aged about 20 years, R/o Village Nawapara Kala, Police Station Premnagar, District Surajpur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police of Police Station Premnagar, District – Surajpur (C.G.)

----Non-applicant

For Applicant	:	Mr. Anil Gulati, Advocate.
For Non-applicant	:	Ms. Subha Shrivastava, PL

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****21.10.2021**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail as he is arrested on 10.8.2021 in compliance of the warrant of arrest issued by the trial Court and since then he is in custody.

(2) Facts of the case in the brief are that Sessions Case No. 30/2020 {State of Chhattisgarh Vs. Sandeep Kumar} is pending before the Additional Sessions Judge, (FTSC), Surajpur, District Surajpur for commission of offence punishable under Sections 376, 365, 506 of the IPC and Section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012. On 17.02.2021, the case was fixed for evidence of prosecution witnesses and on that day, victim and her father appeared before the trial

Court but due to non-appearance of applicant/accused and his counsel, warrant of arrest was issued against the applicant and in compliance of that warrant of arrest, the applicant was arrested on 10.08.2021 and since then he is in jail. His bail application filed before Additional Sessions Judge (FTSC), Surajpur, District Surajpur was also dismissed. Hence, this M.Cr.C. by the applicant.

(3) Learned counsel for the Applicant/accused would submit that due to some exigency, applicant had gone to other place, therefore, he could not appear before the trial Court and he also could not intimate his counsel about the aforesaid fact, therefore, warrant of arrest had been issued against him. His non-appearance before the trial Court on 17.02.2021 was *bonafide* and unintentional. He also submits that the applicant is not likely to threaten or temper any of the witnesses of the prosecution. Earlier, the applicant was granted regular bail by the Coordinate Bench of this Court vide order dated 30.9.2020 passed in M.Cr.C. No. 5932 of 2020, therefore, the applicant is entitled to be released on regular bail.

(4) On the contrary, counsel for the State opposes the bail application mentioning that applicant was absent on 17.02.2021, therefore, victim and her father, who were appeared before the trial Court, were not examined. This shows that applicant wants to delay the disposal of sessions trial, therefore, bail application filed by the applicant is liable to be rejected.

(5) Considered the submissions made by counsel for the parties.

(6) Earlier, applicant was granted regular bail by the Coordinate Bench of this Court vide order dated 30.09.2020 passed in M.Cr.C. No. 5932 of 2020, thereafter,

during the course of trial, due to his non-appearance before the trial Court on 17.02.2021, warrant of arrest was issued against him and in compliance of that arrest warrant, applicant is in detention since 10.08.2021 and since then he is jail.

(7) Looking to the facts & circumstances of the case, I feel inclined to allow the bail application filed by the applicant.

(8) Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and the applicant is directed to be released on bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

(9) It is made clear that if the applicant will not cooperate with the disposal of the case and if he will not attend the court regularly as and when directed, then this order be deemed to be cancelled.

Certified copy, as per rules.

Sd/-

(N.K. Chandravanshi)
Judge

D/-

