

28/11/2014

Shri P.C. Patel, learned counsel for the applicant.

Shri Ramesh Kushwaha, learned Panel Lawyer for the non-applicant/State.

Heard arguments.

Perused case diary and other material on record.

This is first bail application under Section 438 of Cr.P.C. moved on behalf of applicants for grant of anticipatory bail.

On perusal, it appears that the applicant has been facing trial under Sections 420, 467 and 468 of the IPC in criminal case No. 19707/2007 pending on the file of Shri R.K. Dehariya, JMFC, Jabalpur. The applicant was not present on the date of hearing dated 26/11/2013. As a result of his non-appearance, the learned JMFC Court cancelled his bail and ordered to issue non-bailable warrant of arrest against him. Thereupon the applicant filed an application under Section 438 of Cr.P.C. before the Sessions Judge, Jabalpur who in turn rejected his bail application on the ground that he had been irregular in attending the trial and the offences levelled against him are serious in nature.

Learned counsel for the applicants submits that the applicant is 65 years old man and his non-appearance on 26/11/2013 was due to sudden death of his nephew.

Learned Panel Lawyer for respondent-State opposed the bail and prays for its rejection.

Considering the facts and circumstances of the case, I allow the bail application, it is therefore ordered

that if the applicant submits a personal bond in the sum Rs. 20,000/-(Rupees Twenty Thousand only) with one solvent surety in the like amount to the satisfaction of concerned court, he be enlarged on bail for his appearance on such dates as may be fixed by it.

Certified copy as per rules.

(RAJENDRA MAHAJAN)
JUDGE

AKM