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**(2008) 11 CHH CK 0001**  
**In the Chhattisgarh High Court**  
**Case No : M. Cr. C. No. 1899 of 2008**

Shabbir Hussain

APPELLANT

Vs

State of Chhattisgarh

RESPONDENT

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**Date of Decision :** 10-11-2008

**Acts Referred:**

Criminal Procedure Code, 1973 (CrPC) — Section 439

**Citation :** (2008) 11 CHH CK 0001

**Hon'ble Judges :** Dharendra Mishra, J

**Bench :** Division Bench

**Advocate :** Ali Asgar, for the Appellant; Ashish Shukla, Govt. Advocate and Shri R.K. Sidar, Investigating Officer, for the Respondent

**Final Decision :** Allowed

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## Judgement

Dhirendra Mishra, J.—In compliance of the order dated 6-11-2008, the Investigating Officer, Shri R.K. Sidar is present. On being specifically questioned as to why, the list of the property of the absconding accused persons has not been submitted in the Court of concerned Magistrate, he answered that his counsel advised him that nothing is required to be done, and therefore, no list of property of the absconding accused persons as directed by the concerned Magistrate, was submitted. Let a copy of this order be forwarded to the concerned Superintendent of Police with a direction to conduct enquiry into the matter as to why the orders passed by the Judicial Magistrate First Class, Pandra in the aforesaid matter are not being complied with.

2. Heard on bail application u/s 439 of Cr. P.C. preferred by the applicant Shabbir Hussain Vanak. His earlier bail application was rejected on merit by this Court vide order dated 31-7-2008.

3. Learned counsel for the applicant submits that the applicant is in custody since 6-5-2008. The offence is triable by Magistrate, First Class and punishable with maximum jail sentence upto 7 years. Though the charge sheet has been filed but

there is no progress in the trial as other co-accused persons are reported absconding and police is not making any effort to arrest them and even their property has not been attached till date as the description of their property has not been submitted by the concerned police station. He further submitted that co-accused Rajeshwar Sao has already been released on bail by the Sessions Court on 23-10-2008.

4. On the other hand, learned counsel for the State has opposed the bail application. Having heard learned counsel for the parties, having regard to the fact that the applicant is in custody since 6-5-2008 and also considering that there is no progress in the trial and even charge has not been framed, the other co-accused persons are absconding, the application is allowed and it is directed that the application is allowed and it is directed that in the event of applicant's furnishing a personal bond in the sum of Rs. 10,000/- with one surety of the like amount to the satisfaction of the trial Court, he shall be released on bail for his appearance before that Court with further conditions that:--

(1) He shall cooperate with the investigation.

(2) He shall not leave State of Chhattisgarh without prior permission of the concerned Court.

(3) He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade from disclosing such facts to the Court or to any police officer.

Certified copy as per rules.