

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4065 of 2015

Charnjeet Singh Saini S/o Jagdish Singh Saini Aged About 34 Years R/o H.I.G. 10,
Tatibandh, Raipur, P.S. Aama Naka, Tehsil & District - Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station Incharge - Police Station - Dharsiwa,
District Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Surendra Singh, Senior Advocate with Shri Thakur Anand Mohan Singh and Shri Ankit Singhal, Advocates.
For Respondent/State	:	Shri R.K. Gupta, Dy.A.G.
For Objector	:	Shri Kishore Bhaduri and Shri Ashish Surana, Advocates.

Order

17/08/2015

Heard.

1. This is the 3rd bail application under Section 439 Cr.P.C. The present application has been moved by the applicant mainly on the ground of long pre-trial detention and delay in trial.
2. In the present case, the applicant has also moved an application under Section 437 (6) Cr.P.C. read with Section 482 Cr.P.C. raising additional ground for release of the applicant on bail by submitting that under the provision of Section 437 (6) Cr.P.C. also, the applicant is entitled to be released on bail as the trial has not been concluded within a period of 60 days from the first date fixed for taking evidence. It is argued by learned senior counsel for the applicant that the prosecution has enlisted as many as 102 witnesses, out of which, by now, only three witnesses have been examined and the trial is proceeding with snail's pace. Therefore, there is no likelihood of early conclusion of trial. Further submission of learned senior counsel is that the entire evidence having already been collected and there being no material put-forth by the prosecution either before the Court below or before this Court that in the event of grant of bail, the applicant is either likely to abscond or otherwise subvert fair trial, the applicant is entitled to bail as the applicant has

remained in jail since 22.8.2014 i.e. almost one year. Looking to the maximum punishment which could be awarded under Section 420 IPC and that charges under Section 409 read with Section 120-B IPC having already been quashed by the revisional Court, the applicant may be granted bail. Reliance has been placed on the judgments in the case of **Sanjay Chandra Vs. CBI** (2012) 1 SCC 40.

3. On the other hand, learned counsel for the State and counsel for the Objector raised objection that the present application for grant of bail is not maintainable because against rejection of earlier application for grant of bail, the applicant had filed a petition before the Supreme Court and the Supreme Court after examination of material on record, rejected the application. Therefore, if according to the applicant, there is any change in the circumstances, then the applicant's remedy is to move the Supreme Court. In addition, bail has been opposed mainly on the ground that the allegation of cheating involves approximately Rs.19 crores and the allegation against the applicant is that he cheated large number of persons. The applicant is an influential person of capacity and if he is granted bail, he could not only flee away from justice like other co-accused who is still absconding, but he may also tamper with prosecution witnesses.
4. While considering 3rd bail application for grant of bail by the applicant which is mainly based on long pre-trial detention, delay in trial, no likelihood of early conclusion of trial as the prosecution has enlisted 102 witnesses of prosecution, it is found that earlier, this Court had rejected applicant's application for grant of bail on 12th January, 2015, against which, the applicant had preferred Special Leave Petition, which was dismissed by the Supreme Court vide order dated 12.2.2015, as below:-

“Bail is rejected at this stage.
The Special Leave Petition is dismissed.”
5. Therefore, as the application for grant of bail of the applicant has been rejected by the Supreme Court without reserving any liberty to move this Court again for grant of bail, without commenting upon the merits of applicant's claim for grant of bail in changed circumstances, this application is rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge