

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3123 OF 2015**

Deena @ Deen Dayal @ Sanjeev Sinh, son of Shri Vishram Sinh, aged about 30 years, resident of Village Kusiya, Police Station Jalalpur, Civil and Revenue District Jaunpur, Uttar Pradesh

---Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station Ganj, District Raipur, Chhattisgarh

---Non-applicant

For Applicant	:	Mr. Pravesh Sharma, Advocate.
For-Non-applicant	:	Mr. Neeraj Jain, Government Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****05/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.91/2011, registered at Police Station-Ganj, Raipur, District Raipur (CG), for the offence punishable under Sections 420, 436, 468, 471/34 & 120B of the IPC and Sections 4(a) and 10 of the C.G. Public Examination (Prevention of Unfair Means) Act, 2008.

2. Case of the prosecution, in brief, is that, the applicant was also found involved in the leakage of papers of PMT held in the year 2011 and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in the case, which is apparent from the statement of Bedi Ram. He would further submit that

applicant is in jail since 1.4.2015 and supplementary charge-sheet has been filed on 5.5.2015.

4. Learned State counsel would oppose the prayer for grant of bail and submit that the applicant was absconding since 6th July, 2011 and he was brought to the State of Chhattisgarh only on 1.4.2015 by way of the production warrant. Learned State counsel would further submit that other co-accused persons namely Shailendra @ Gadda, Satyanarayan, Ajeet Singh, Sunil Kumar Singh, Dheeraj Upadhyay and Rajesh Kumar Sachan have already been convicted by the court of Additional Chief Judicial Magistrate, Raipur in Criminal Case No.102/2012 on 17.7.2015. Learned State counsel would also submit that the applicant is also serious antecedents as Crime No.44/2006 of Police Station Krishna Nagar, Distt.Lucknow for the offence punishable under Sections 417, 418, 419 and 420 read with Section 5 of the Official Security Act & Sections 4, 5 10 of the U.P.Sarwajanik Pariksha Main Anuchit Sadhno Ka Nivaran Adhiniyam, 1998 and Crime No.45/2006 of Police Station Krishna Nagar, Distt.Lucknow for the offence under Sections 2 & 3 of the Gangster Adhiniyam are pending against him.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; further taking note of the fact that the applicant remained absconding since 6th July, 2011, he neither cooperated in the investigation nor in the trial and he was brought only on 1.4.2015 by way of the production warrant, the fact that six accused persons have already been convicted by the ACJM, Raipur, considering his role in offence in question, further taking into consideration his

serious criminal antecedents of the offence of like nature in Uttar Pradesh, his apprehension and statement of learned State counsel that he is likely to abscond as one of co-accused Bedi Ram, who has been granted bail, is still absconding, this Court is not inclined to release the applicant on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE

B/-