

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 381 of 2016

Chanulal, aged about 28 years, S/o. Dhaniram R/o. of village Tenduvahi, Thana, Tumgaon, Tahsil Mahasamund, Civil and Revenue District Mahasamund (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through:- Station House Officer, Tumgaon, Civil and Revenue District Mahasamund (C.G.)

---- Respondent

For Applicant : Mr. Punit Ruparel, Advocate

For Respondent : Mr. Arvind Shukla, Penal Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04 / 02 / 2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 134/2015, registered at Police Station– Tumgaon, District – Mahasamund (C.G.) for the offence punishable under Sections 34(2) of Chhattisgarh Excise Act.

2. The first bail application of the applicant was rejected on merit vide order dated 05.11.2015 in M.Cr.C. No. 6048/2015.

3. Counsel for the applicant submits that the applicant has been acquitted in a case on 07.03.2014 wherein fine of Rs. 1000/- was imposed. He further submits that in another case under sections 294,325,506, 34 of IPC he was acquitted on 22.03.2014 and further in another case under the Excise Act fine of Rs. 1000/- was imposed on 02.09.2013. He further submits that seizure witness has turned hostile in the instant case and the applicant is in jail since 30.09.2015, therefore, the applicant may be enlarged on bail.

5. Per contra State counsel opposes the prayer for grant of bail.
6. Perused the earlier order of this Court apart from three orders which are placed. Earlier rejection order reflected that there are as many as two cases were pending against the applicant in the year 2014 and 2015 bearing crime No. 183 of 2014 and 125 of 2015. Taking into the fact that no submission has been made by the counsel for the applicant about these cases registered against him, since the rejection was on the ground that similar nature of crime was repeated within a short proximity of time and there is no change of circumstance, therefore, I am not inclined to allow this bail application. Considering the past antecedents of this applicant.
7. Accordingly, the bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge

