

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. (A) No. 351 of 2016

Abdul Sattar Khan S/o Jumman Khan, aged about 25 years, R/o village
Basin Gram Panchayat Budhwara, Police Station Saja, Revenue & Civil
District Bemetara (CG)

---- Applicant

Versus

State of Chhattisgarh through Police Station Gol Bazar, District Raipur
(CG)

---- Respondent

For Applicant	:	Shri Ashutosh Shukla, Advocate
For Respondent /State	:	Shri Satish Gupta, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

23/08/2016

This is the second application filed u/s 438 of Cr.P.C. for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No.66/2014 registered at Police Station Gol Bazar, District Raipur for the offence punishable under Sections 420, 467, 468 and 471 of IPC.

2. The first anticipatory bail application was dismissed on merit by this Court vide order dated 27.06.2014 in M.Cr.C.(A) No. 419/2014. While dismissing the said bail application this Court in paragraphs 6 & 7 has held as under:

“(6) Accordingly, the application filed under Section 438 CrPC for grant of anticipatory bail is dismissed.

(7) However, in the event, if the applicant-accused surrenders before the concerned Court below and moves appropriate application for grant of regular bail, the same shall be decided by the said Court if possible on the same day, on its own merits, in accordance with law.”

3. Counsel for the applicant submits that now in the changed circumstances the applicant has subsequently resigned from the alleged employment which he had got on the basis of forged certificate and also deposited the entire salary amount that he had drawn during the service period. Therefore, counsel for the applicant prays that the case of the

applicant may be considered sympathetically and he may be granted the advantage of anticipatory bail.

4. However, State counsel opposes the bail application and submits that even if the applicant has resigned employment and deposited the entire salary amount yet the offence part would still survive and therefore, the offence he has committed cannot be treated as wiped out.

5. Taking into consideration the total facts and circumstances of the case what clearly reflects from the order dated 27.06.2014 is that while deciding the first bail application it was specifically observed that it was not a case of grant of anticipatory bail and in case the applicant surrenders before the Court below and moves an application for regular bail, the same would be decided on the same day if possible. Though more than two years have passed, the applicant has not surrendered himself before the Court below nor has he prayed for grant of any regular bail.

6. In the said factual background of the case and with there being no specific change in the circumstances from the time of the first anticipatory bail application was rejected, this Court is of the opinion that no strong case is made out for grant of anticipatory bail to the applicant.

7. Accordingly, the second application filed under Section 438 CrPC for grant of anticipatory bail to the applicant is rejected.

**Sd/-
(P. Sam Koshy)
Judge**