

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6524 of 2016

Manish Singh, S/o. Shri Ramjeet Singh, Aged About 30 Years, R/o. Sector M.L.D.A. Colony, House No. 1019, Aashiyana, Lucknow, Uttar Pradesh. Permanent Address- Village & Post Shona, Police Station Badhariya, District Siwan, Bihar.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Ganj, Civil & Revenue District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Adil Minhaj, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03.11.2016

1. This is the third 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.91/2011 registered at Police Station- Ganj, District Raipur (C.G.) for the offence punishable under Section 420, 467, 468, 471, 120-B read with Section 34 of Indian Penal Code and section 4(A)10 of the C.G. Public Examination (Prevention of Unfair Means) Act, 2008.
2. Case of the prosecution, in brief, is that the PMT exam was to be conducted by the Chhattisgarh Professional Examination Board on 19.06.2011 and on 18.06.2011 Police Station Ganj received a secret information that few of the papers were leaked out and sold and thereafter on a raid being conducted in the Udaydeep Hotel, the applicant fled away, however, the other co-accused were apprehended. Subsequently, the investigation was being carried out and the charge sheet was filed wherein the present applicant

was shown as absconding and after trial the other accused have been convicted on different charges.

3. Learned counsel for the applicant would submit that the applicant is in custody since 13.10.2015 and no progress has taken place for last one year before the Court below, therefore, on the ground of delay, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The documents would show that the charge sheet in this case was filed against the applicant on 08.01.2016 and the applicant was arrested on 13.10.2015 from Lukhnow. The first bail application was dismissed on merit on 08.12.2015 and the second bail application was dismissed on merit on 03.05.2016 and thereafter the bail was dismissed by the Supreme Court on 16.12.2015 and 04.07.2016. Taking into the facts and circumstances, I do not find any enormous delay to reconsider the instant bail application, as there is no change of circumstances appears to have been taken place.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge