

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7307 of 2016

- Rajendra Mahilang S/o Shri Dharamdas Mahilang, Aged About 39 Years R/o Anant Vihar Colony, Police Station Mova, District Raipur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Civil Line, Raipur, District Raipur, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Jitendra Gupta, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.11.2016

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No.274/2015 registered at P.S. Civil Line, Raipur Distt. Raipur (C.G) for the offence punishable under Section 379 of IPC.
2. As per the prosecution case, a complaint was made by Chaitram Sahu that while he was standing near hospital, at that time, the present applicant came in motor cycle and asked for change of Rs.2000/- and when the complainant took out the note to give him change, the applicant snatched the money and ran away. Subsequently he was arrested and identified, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that now the complainant has been examined and he has not supported the case of prosecution, therefore, the applicant has been falsely implicated. He further submits that the charge sheet in this case has been filed; no further investigation is

necessary and the applicant is in jail since 12.05,2016, therefore, for all these reasons he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail and submits that considering the past antecedents of the applicant, primarily the rejection order was passed on merits on 30.06.2016 in M.Cr.C.No.3175/2016, therefore, there is no change of circumstances at present to reconsider the bail application.
5. Perused the earlier rejection order dated 30.06.2016. Primarily the rejection of the bail was made on the ground that earlier also the applicant was involved in four similar nature of cases which were registered against him and the applicant was acquitted by getting benefit of doubt and no free acquittal was made.
6. Taking into consideration such facts situation of the case, I am of the view that though the complainant Chaitram has not supported the case of prosecution in this case and the applicant was stated to be acquitted in previous cases, but since the earlier rejection order was passed on merits, therefore, at present no change of circumstances appears in this case. Further I am of the considered view that it would not be proper for this Court to evaluate the entire evidence only by picking up the statement Chaitram Sahu for consideration of bail as it would amount to usurping the power of trial Court. Therefore, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**