

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 841 of 2017**

Rahul Singh @ Rambabu @ Ashwani Kumar Singh S/o Late Dhananjay Singh, Aged About 28 Years R/o Bardeeha, Near Adarsh School, Rohtas Bihar , At Present R/o Village Jhargawan, Police Station And Tahsil Batouli, District Surguja, Chhattisgarh.

---- Petitioner**Versus**

State Of Chhattisgarh Through: The District Magistrate, Surguja Ambikapur, Chhattisgarh And Also Through Police Station - Ambikapur, District Ambikapur, Chhattisgarh.

---- Respondent

For the Petitioner	:	Shri P.K. Patel, Advocate.
For the Respondent /State	:	Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****08.09.2017**

1. Heard.
2. This petition has been brought under Section 482 of the Code of Criminal Procedure with a prayer to quash the impugned order refusing grant of bail to the petitioner under Section 437 (6) of the Cr.P.C.
3. Learned counsel for the petitioner submits that the petitioner has been arrested on 5.10.2016 in connection with the offence registered by Police Station Kotwali, Ambikapur, Surguja under Sections 506 part II, 507, 419, 420, 465 and 471 of the Indian Penal Code and Section 66(A) of the Information Technology Act, 2000. After completion of investigation, charge-sheet was filed before the Court below and the petitioner is still continuing in jail. The charges were framed on

17.2.2017 and the date of first hearing was 7.3.2017. The evidence of the prosecution could not be completed within a period of 60 days from the first date of hearing. Hence, being entitled for bail under Section 437(6) of the Cr.P.C., the petitioner moved an application before the trial Court on 16.5.2017 praying for grant of bail. The trial Court decided the application vide order dated 18.5.2017 and rejected the same on the grounds of seriousness of offence and that the offence committed has an impact on the society at large. A revision was preferred before the First Additional Sessions Judge, Sessions Court, Ambikapur, Surguja being Criminal Revision No. 75 of 2017 on 22.6.2017, however, the same was dismissed. Hence, this petition.

4. It is submitted by counsel for the petitioner that the petitioner is in jail since the date of his arrest and the trial has not concluded till date. Section 437(6) of the Cr.P.C. gives entitlement to the petitioner for grant of bail in a mandatory nature. The petitioner though resident of Bihar is ready to abide by all the conditions imposed, if bail is granted.

5. Heard counsel for both the parties and perused all the documents on record.

6. As per the contents of the documents on record, the reason for dismissal of the application of the petitioner given by the trial Court is that he is resident of other State, the offence committed is of serious nature, the offence committed has an impact on the society and if the petitioner is released on bail his availability before the Court for trial may become difficult. Hence, applying the principles laid down by this Court

in the case of **Ratan Kumar Jain vs. State of Chhattisgarh** reported in **2015(2) C.G.L.J. 83**, the application was rejected.

7. Perused the documents of the charge-sheet submitted by the petitioner and looking to the allegations made in this petition, it is apparently clear that the manner in which the crime has allegedly been committed by the petitioner shows of professionalism. Specially when crime is adopted as profession by some person, in that case commission of crime by any such person has an impact on the society which creates insecurity and fear in the members of society for such person, this in effect helps in growth of crime. Hence, the reasons mentioned by the trial Court and the Revisional Court for dismissal of the application and the revision filed by the petitioner cannot be interfered with. The principle laid down in **Atul Bagga vs. State of Chhattisgarh** reported in **Criminal Revision No.338 of 2009** is squarely covers this case. Hence, this petition is dismissed accordingly.

Sd/-

(Rajendra Chandra Singh Samant)
Judge