

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 224 of 2017**

- Murari Lal Soni S/o Ramprasad Soni, Aged About 30 Years R/o Kashyap Colony, Gali No. 4. Purana Bus Stand Police Station Tarbahar, Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through : The Police Station Chakharbhatha, District - Bilaspur Chhattisgarh

---- Non-applicant

For Applicant:	Mr. S.S. Baghel, Advocate
For State	Mr. Gary Mukhopadhyay, Dy. Government Advocate

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****24.03.2017**

1. This is repeat application filed u/s 438 of the Cr.P.C. for grant of anticipatory bail by the Applicant apprehending his arrest in connection with Crime No. 259/2013 registered at Chakarbhata, District – Bilaspur (C.G.)
2. The present applicant has on an earlier occasion also filed anticipatory bail application which was registered as M.Cr.C.A. No. 362/2014. This Court vide the order dated 17.07.2014 while rejecting the application on merits held in paragraphs 3, 5 & 6 as under :-

“(3) Learned Counsel for the Applicant submits that the nature of allegation and the charges leveled against the present Applicant are not of serious nature and, therefore, he may be released on bail.

.....

(5) Considering the entire facts and circumstances of the case, I am not inclined to grant anticipatory bail to the present Applicant-accused.

(6) Accordingly, the application filed under Section 438 of the Cr.P.C. is dismissed. However, it is directed that 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. In spite of the specific direction given to the Applicant to surrender before the Court below and move an application for grant of regular bail under Section 439 of the Cr.P.C. and with further direction to the Court below to consider the case if possible on the same day. The Applicant seems to have not availed the said benefits.
4. No subsequent development has been shown by the Applicant for the grant of anticipatory bail. The Application has been made on the merits of the case which has already been considered by this Court while rejecting the application at the first instance on 17.07.2014.
5. Accordingly, the present bail application stands rejected.
6. However, the observations made at the time of deciding the first bail application shall still hold good.

Sd/-

**(P. Sam Koshy)
JUDGE**