

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 318 of 2017

S. K. Ranu S/o C.C. Ranu Aged About 55 Years R/o Luthra Colony, Behind Luthra Hospital, Nehru Nagar, Police Station Civil Lines, Bilaspur, Tahsil, Civil & Revenue District Bilaspur, Chhattisgarh.

---- Applicant

Versus

Central Bureau Of Investigation Through S.P. (C.B.I.) Qr. No. 4, Street 15, Sector 9, Bhilai, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Shri B.N. Mishra, Advocate
For Respondent/CBI	:	Shri Kishore Bhaduri and Shri Chandresh Shrivastava, Advocates

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

11/08/2017

Heard.

1. At the outset, it is informed to the Court that during pendency of this anticipatory bail application, the applicant has already been arrested.
2. In that view of the matter, the application is rendered infructuous and is accordingly dismissed.
3. Before parting with the matter, this Court would like to notice that the anticipatory bail application of the present applicant was rejected on 6.10.2015 by this Court. Another co-accused Anand Kumar moved an application for grant of anticipatory bail before the CBI Court at Raipur. The respondent -CBI did not object to grant of bail and the CBI Court granted anticipatory bail to co-accused Anand Kumar vide order dated 19.1.2017.

During the course of hearing of this anticipatory bail application on earlier date, when this fact was revealed to this Court that during the hearing of anticipatory bail application of co-accused Anand Kumar, the order passed by this Court on 6.10.2015 rejecting anticipatory bail application of present applicant S.K.Ranu was not brought to the notice of CBI Court, this Court had directed the officer of the respondent -CBI to file an affidavit.

4. The affidavit has been filed before this Court by the Superintendent of Police, CBI, Anti Corruption Branch, Chhattisgarh, Raipur in which it has been stated that the reason for not disclosing to the CBI Court that anticipatory bail of the present applicant has already been rejected by the High Court was that the said Anand had become an approver.
5. The reason assigned in the affidavit is completely unacceptable . Whether in a particular case bail is to be granted or not is a matter of consideration by the Court. Once the application of co-accused for grant of anticipatory bail was rejected by this Court, it was obligatory on the part of the Investigating Agency to necessarily disclose this fact to the CBI Court where the anticipatory bail application of co-accused was pending and, thereafter, it would have been within the jurisdiction of the concerned Court to pass appropriate order.
6. A copy of this order be sent by the Registry to the Director, CBI, Head Office, New Delhi for making proper enquiry into the whole affair and a copy of the enquiry report may be submitted by the CBI to the Registry of this Court.
7. A copy of this order be also sent to CBI Court at Raipur.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge