

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No.5266 of 2017**

Rajkishore Harbansh, son of late Tularam Harbansh, aged about 54 years, R/o 127, Face-2, Rajkishore Nagar, Police Station, Sarkanda, District Bilaspur (CG).

---- Applicant

Versus

State of Chhattisgarh, the Superintendent of Police, Prevention of Anti Corruption Bureau, Bilaspur, District Bilaspur (CG).

---- Non-applicant

For Applicant : Mr. Vivek Singhal, Advocate
For Non-applicant : Mr. Ashish Surana, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

01/09/2017

(1) The applicant's first bail application was dismissed on merits by order of this Court dated 03.07.2015 passed in M.Cr.C. No.2832/2015.

(2) The applicant's second bail application was dismissed on merits by order of this Court dated 07.09.2015 passed in M.Cr.C. No.4320/2015.

(3) The applicant's third bail application was also dismissed finding no new ground or change in circumstances by order of this Court dated 13.07.2016 passed in M.Cr.C.No. 2628/2016.

(4) The accused/applicant has moved this fourth bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.38/2011 registered at Police Station Superintendent of Police, Prevention of Anti Corruption Bureau, Bilaspur for the offences punishable under Sections 13(1)(e) and

13(2) of Prevention of Corruption Act, 1988.

(5) Learned counsel appearing for the applicant would submit that after dismissal of third bail application of the applicant by this Court vide order dated 13.07.2017 passed in M.Cr.C. No.2628/2016, he had approached the Hon'ble Supreme Court. The Supreme Court by its order dated 15.12.2016 was disposed off the SLP with a liberty to file a fresh application for release the applicant on bail and therefore he may be granted bail as he is in jail since 02.06.2015.

(6) Per contra, Mr. Ashish Surana, Panel Lawyer would submit that Hon'ble Supreme Court has already rejected the bail application of the applicant and no leave has been granted to file a fresh bail application before this Court, therefore the bail application is not maintainable. He therefore prays that the present bail application of the applicant is also liable to be rejected.

(7) Vide order dated 15.12.2016, the Hon'ble Supreme Court has observed as under:-

“Keeping in mind the fact, that the petitioner has been in jail since 02.06.2015, and has suffered incarceration for about 18 months, we consider it just and appropriate to direct the respondent-State to examine all material witnesses, within two months from 23.12.2016, Noodles to mention, that the petitioner shall co-operate in the examination of the prosecution witnesses. Thereafter, the respondent-State will not be able to raise the plea that any material witnesses still remains to be examine. At that juncture, the petitioner will have the liberty to file a fresh application for release him on bail.”

(8) The Hon'ble Supreme Court has already rejected the applicant's bail application for grant of bail on merits and no such leave has been granted to the applicant to file a fresh bail application before this Court.

(9) In view of aforesaid discussion, the application for grant of bail as framed and filed by the applicant is hereby rejected. However, the applicant is at liberty to proceed further in accordance with law.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-