

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2702 of 2018

- Mohd. Shahnawaz Hussain S/o Mohd. Aslam Hussain, Aged About 27 Years, R/o- Near Gousiya Masjid, Camp-1, Bhilai, P.S. Chhawani, Tahsil And District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station Supela, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Shri B.P. Sharma and Shri M.L. Sakat, Advocates.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-06-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His first bail application before this Court was rejected by this Court on merits in MCRC No. 6168 of 2017 vide order dated 30-01-2018. The applicant has been arrested on 08-12-2016 in connection with Crime No.539/16 registered at P.S. - Supela, District- Durg, Chhattisgarh, Chhattisgarh for the offence under Section 420, 409, 34 of the IPC and Section 10 of CG Ke Nikshepkon Ke Hiton Ka Sanrakshan Adhiniyam, 2005.

2. It is submitted on behalf of the applicant that the applicant that at present circumstances has changed as the allegation is this that the applicant with the co-accused persons has cheated the complainant of Rs.80,00,000/- out of which Rs.20,00,000/- has been returned and Rs.60,00,000/- is outstanding. In present development of things it is brought to the notice of this Court that complainant has no documents to prove about the receipt of Rs.80,00,000/- by this applicant or co-accused persons. Attention has been drawn to copy of the application filed by the complainant before the Court of the Judicial Magistrate First Class, Durg, in which, it is prayed that the

complainant be permitted to bring in secondary evidence by way of photocopy documents for proof of payments. Hence, it is prayed that it is a good case for grant of bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that once the application has been rejected on merits, no ground on merits can be raised and appreciated in this application. Hence, this application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.

5. The previous bail application, MCRC No.6168 of 2017 filed by this applicant was decided on 30-01-2018 and the same was rejected after considering on the merits of the case. Merits once raised completely or partly cannot be re-appreciated at later point of time. In any later stage, the subsequent application for grant of bail has to be considered only on the basis of development that has taken place subsequently. As there is no such specific ground pleaded and argued regarding recent development that has taken place subsequent to rejection of the earlier bail application, I do not find any ground to allow this application. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge