

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 95 of 2019

1. Abhay Singh S/o Late Prem Singh, Aged About 35 Years, Occupation Agriculture And Business R/o Jail Colony Government Quarters, Ward Babupara, Ambikapur, Police Station and Tahsil Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

MCRC No. 259 of 2019

1. Abhay Singh S/o Prem Singh, Aged About 35 Years, R/o Jail Colony Government Quarters, Babupara, Ambikapur Surguja District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali / Shankargarh, District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

MCRC No. 131 of 2019

1. Abhay Singh S/o Late Prem Singh, Aged About 35 Years, Occupation Agriculture and Business R/o Jail Colony Government Quarters, Ward Babupara, Ambikapur, Police Station and Tahsil Ambikapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwali, Ambikapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

MCRC No. 372 of 2019

1. Abhay Singh S/o Prem Singh, Aged About 35 Years, R/o Jail Colony Government Quarters, Bapupara, Ambikapur Suaguja, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station City Kotwalki / Shankargarh Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant –Mr. Kishore Bhaduri, Mr. Rajat Agrawal and Mr. Pawan Kesharwani, Advocates.
For Non-applicant/State – Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-01-2019

1. These four MCRC are being decided by this common order as they arise out of the offences registered against the same applicant, i.e., the present applicant.
2. These applications have been filed by applicant Abhay Singh for grant of regular bail as he has been arrested in connection with following crime numbers and offences registered in the police stations mentioned in the table below:-

S.No.	MCRC No.	Crime No.	Offence	Police Station
1.	MCRC No. 95 of 2019	837/2017	U/s 120-B, 420, 34 of the IPC	City Kotwali Ambikapur, District Surguja, Chhattisgarh
2.	MCRC No. 259 of 2019	88/2016	U/s 420, 467, 468, 471 and 419 of the IPC	City Kotwali/Shankargarh Ambikapur, District - Surguja, Chhattisgarh
3.	MCRC No. 131 of 2019	829/2016	U/s 384, 502, 504 and 34 of the IPC	City Kotwali Ambikapur, District Surguja, Chhattisgarh
4.	MCRC No. 372 of 2019	81/2016	U/s 420, 419, 467, 468, 471/34, 120-B of the IPC	CityKotwali/Shankargarh, Ambikapur District - Surguja, Chhattisgarh

3. In Crime Nos. 837/2017 (in MCRC No.95 of 2019), 829/2016 (in MCRC No.131 of 2019) and 81/2016 (in MCRC No.372 of 2019) the applicant has been arrested on 16-11-2016 and in Crime No. 88/2016 (in MCRC No.259 of 2019) the applicant has been arrested on 27-02-2017. These are second bail applications filed by the applicant under Section 439 of the Cr.P.C. before this Court. The first bail applications filed by this applicant were rejected by this Court on merits vide order dated 07-03-2018.
4. It is submitted by learned counsel for the applicant in all these cases that the applicant had approached Hon'ble the Supreme Court of India by filing

SLP for grant of bail, in which, order has been passed on 05-09-2018. The SLP petitions were dismissed, but the petitioner was granted liberty to move the High Court again for grant of regular bail after two months, with direction that the High Court shall consider the same on its merits without being influenced by the observations made in the order passed by Hon'ble the Supreme Court. Reliance has been placed on the judgment of Hon'ble the Supreme Court in **Dataram Singh Versus State of Uttar Pradesh and another**, (2018) 3 SCC 22, on the basis in which the counsel argued that the applicant has right to bail, there is need of humane approach and the discretion should be exercised by Judge in a judicious and humane manner. Further, it is prayed that the applicant is ready to abide by all the conditions to be imposed upon him for grant of regular bail. Hence, it is prayed that the applicant may be granted regular bail.

5. Learned counsel for non-applicant/State opposes the second bail applications filed by the applicant in each of the cases and submits that the earlier applications for grant of bail have been rejected on merits mentioning the reasons that the applicant is involved in multiple crimes of fraud, cheating, conspiracy and extortion etc., hence, he was not found entitled for grant of bail. At present, there is no change in circumstances except that the applicant had approached Hon'ble the Supreme Court and he has again been denied bail. Therefore, the applications may be rejected.

6. On perusal of the order passed by Hon'ble the Supreme Court, this appears to be very clear that Hon'ble the Supreme Court has declined to interfere with the impugned order which has been passed by this Court and had granted liberty to file application for bail after two months with direction to consider the same on the merits of the case.

7. As merits of the cases have already been considered in the earlier applications filed by the applicant in each of the cases and subsequent to that

there is no change in circumstances, therefore, I do not find any reason to allow these applications.

8. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil