

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 201 of 2019**

1. Halaluram Patel S/o Late Shiv Kumar Patel Aged About 70 Years R/o Village Dadar, Police Station Bhilai 3, Tahsil Dhamdha, District Durg Chhattisgarh, District : Durg, Chhattisgarh
2. Ashok Kumar Patel S/o Late Shiv Kumar Patel Aged About 53 Years R/o Village Dadar, Police Station Bhilai 3, Tahsil Dhamdha, District Durg Chhattisgarh, District : Durg, Chhattisgarh
3. Hindeshwar Patel S/o Late Baluram Patel Aged About 28 Years R/o Village Dadar, Police Station Bhilai 3, Tahsil Dhamdha, District Durg Chhattisgarh, District : Durg, Chhattisgarh
4. Smt. Prema Bai Patel D/o Late Balu Ram Patel Aged About 50 Years R/o Village Dadar, Police Station Bhilai 3, Tahsil Dhamdha, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through The District Magistrate, Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Avinash Chand Sahu, Advocate.
For the Respondent/State	:	Shri Arun Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****01.03.2019**

Heard.

1. This application under Section 438 of the Cr.P.C. has been brought on the basis of the order rejecting bail by the Sessions Court dated 20.12.2018. On perusal of the impugned order, it appears that the application under Section 438 of the Cr.P.C. before the Court below was dismissed as withdrawn and has not been decided on merits.

2. It is submitted by counsel for the applicant that the co-accused persons have been granted anticipatory bail by this Court however, in this case the applicant is directed to approach the Court below and seek order on merits.

3. The applicant cannot invoke jurisdiction under Section 438 of the Cr.P.C. before this Court at the same time as the applicant has firstly approached the Sessions Court therefore, the application must be decided on merits by the Court below itself before it is taken up in this Court. Hence, for these reasons, this application is disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge