

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 584 of 2019

- Guddu Lahri Sahu @ Rajesh Sahu S/o Shri Laxman Sahu, aged about 38 Years, R/o Chingrajpara Sarkanda, Police Station Sarkanda, District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through The Station House Officer, Police Station-Masturi, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Rishi Rahul Soni, Advocate.
For Respondent	:	Mrs.Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

08/02/2019

1. This is the second bail application for grant of regular filed by this applicant. The earlier applicant in MCRC No.8841 of 2018 has been rejected on merits on 26.11.2018.
2. This bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.515/2017, registered at Police-Station-Masturi, Civil District– Bilaspur(C.G.) for the offence punishable under Sections 147, 148, 120-B, 395/149, 397/149, 307/149(two times) of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that in the

change in circumstances that has been taken place is this, that one co-accused namely-Shanti Lal Dewangan has been granted regular bail by this Court on the ground that no TIP was conducted with respect to that co-accused. It is submitted that this applicant has better case and no TIP was conducted with respect to him also, and no recovery was made from him, therefore, he may be granted regular bail.

4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that already the earlier application of this applicant has been rejected on merits and there is no change in circumstances, hence, he is not entitled for grant of regular bail.
5. Heard both the parties and perused the case diary.
6. In the earlier order passed by this Court the entire material present in the case diary had been considered, therefore, there is no need to consider the case on merits just for the reason that co-accused has been enlarged on bail because it cannot be said that there is any change in the circumstances.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge