

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 919 of 2019**

- Jaykishan Rajput @ Poltu S/o Rajeshwar Rajput Aged About 22 Years R/o Village Umariya, Tahsil And Police Station- Bilha, District- Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Masturi, District- Bilaspur, Chhattisgarh

.....Non Applicant

For the Applicant : Shri Goutam Khetrapal, Advocate

For Non Applicant : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**21.02.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. His first bail application was rejected by this Court on 04/01/2019 in MCRC No. 9542 of 2018, considering the prima facie case, and looking to this fact that 4 other criminal cases have been registered against him.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.346/2018 registered at Police Station- Masturi, District- Bilaspur (C.G.) for the offence punishable under Sections 457, 380 of the Indian Penal Code.
4. Counsel for the applicant submitted that in Crime No.347/2018 applicant was granted bail on 04/01/2019 by this Court though 4 other criminal cases have been registered against him. On 30/01/2019 this Court has granted the bail to applicant ShivKumar in Crime No.346/2018. Thus, applicant may be granted bail, looking to the principle of the parity.
5. Govt. Advocate opposed the bail petition and submitted that 4 other criminal cases have been registered against the applicant.
6. In the case, in hand, while passing the order on 04/01/2019 regarding applicant, this Court clearly observed in Para No.3 that on memorandum of applicant 5 mobile sets have been seized from him, IMEI number of one mobile is matched with the mobile which was stolen. While passing the order on 04/01/2019 regarding applicant in Crime No.347/2018 the Court observed in Para No.6 that there is no memorandum of applicant and no seizure from him. While passing the order on 30/01/2019 in Crime No.346/2018 regarding applicant ShivKumar, this Court has observed that on the memorandum of applicant 5 mobile sets have been seized from applicant. In this case, there was no such evidence that which mobile was stolen, was seized from the applicant. In these circumstances, it is very clear that this Court has rejected the bail application of applicant on 04/01/2019 on the grounds that one mobile which was seized from applicant was bearing same IMEI number which was stolen. Thus, this Court has clearly distinguished the aforesaid cases for granting the bail and not granting the bail.
7. Looking to the aforesaid facts and circumstances of the case, this Court finds that there is no change of circumstances which entitle applicant to release on bail in second round of litigation. Consequently, the bail petition is dismissed.

Sd/-

(Sharad Kumar Gupta)

Judge

Parul