

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1998 of 2019**

- Gomit @ Gemit @ Memit Rajwade S/o Shiv Prasad Rajwade Aged About 21 Years R/o Village Sunderganj Police Station- Jainagar, Tahsil And District- Surajpur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jainagar, District- Surajpur, Chhattisgarh

---- Respondent

For Applicant	Mr. RV Rajwade, Advocate
For Respondent/State	Mr. Siddharth Dubey, Dy.GA and Mr. R. Tripathi, Panel Lawyer

Order On Board By**Hon'ble Mr. Prashant Kumar Mishra, Ag.CJ****3/5/2019**

1. Heard.
2. This is the fourth application 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.13/2017, registered at Police Station Jainagar, District Surajpur (CG), for the offence punishable under Sections 363, 366, 376(d)(g) and 201/34 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
3. It is stated that since after rejection of the applicant's earlier two bail applications, co-accused Ramswaroop Manikpuri has

been enlarged on bail by a Coordinate Bench of this Court in MCRC No.5256 of 2018 vide order dated 17.08.2018. The said bail application of Ramswaroop Manikpuri was filed by mentioning Crime No.70 of 2017 of Police Station Jainagar District Surajpur (CG), which was not correct. The crime for which the present applicant and co-accused Ramswaroop Manikpuri have been arrested bears Crime No.13/2017, registered at Police Station Jainagar, District Surajpur (CG). If co-accused Ramswaroop Manikpuri would have mentioned the correct crime number, his bail application would have been placed before this Bench as per the rules of the Court. Therefore, by mentioning incorrect crime number, co-accused Ramswaroop Manikpuri has obtained the bail order from a Bench, which could not have heard the matter.

4. Mr. Siddharth Dubey, learned Deputy Government Advocate is directed to instruct the concerned Police Station to move necessary application for cancellation of the bail granted to co-accused Ramswaroop Manikpuri
5. In so far as the present bail application is concerned, having regard to the nature of allegations, which have been discussed in detail while rejecting the applicant's first bail application on 22.11.2017, I am not inclined to rehear this fourth bail application of the applicant.

6. The bail application is dismissed.

Sd/-

(Prashant Kumar Mishra)

Acting Chief Justice