

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 473 of 2019

- Govinda Jogi S/o Late Shri Dol Kumar Jogi, Aged About 24 Years, R/o Village Borshi, Post Kosha, Police Station And Tehsil Paamgarh, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Officer-In-Charge, Police Station Janjgir District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sumit Singh, Advocate.

For Non-applicant/State – Shri Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-04-2019

1. This is second application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail as he is apprehending arrest in connection with Crime No.425/2018, registered at Police Station – Janjgir, District Janjgir-Champa, Chhattisgarh for offence punishable under Section 420, 467, 468, 471/34 of the IPC. His first application for grant of anticipatory bail, MCRCA No.1755 of 2018 was dismissed on 04-02-2019 in which this Court had directed the applicant to surrender before the Court below and apply for regular bail.

2. It is submitted by learned counsel for the applicant that similarly placed co-accused persons have been granted bail by this Court in MCRCA No.1587 of 2018 and MCRCA No.1611 of 2018 vide order dated 12-12-2018 and another circumstance which is in favour of the applicant is this, that the KCC loan, which is alleged to have been fraudulently withdrawn, has been totally repaid to the bank. Therefore, it is prayed that this application may be allowed.

3. Learned counsel for the State/non-applicant opposes the application submitting that the applicant had earlier already opted to surrender before the Court below, therefore, his application is not maintainable.

4. Heard learned counsel for the documents.

5. Without going into merits of the case, it is observed that on the date of passing earlier order on 04-02-2019 this ground was available that co-accused persons have been granted anticipatory bail and even the ground that amount of loan has been repaid in total is incident of previous date was also available, therefore, I do not feel inclined to allow this application.

6. Accordingly, the application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge