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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2852 of 2019

1. Rajendra Singh Sisodiya S/o Shri Ram Singh Sisodiya, Aged About 43 Years, R/o- Jamoniya Sonkar, Post- Jamoniya Sonkar, Tahsil- Aalod, P.S.- Barkheda Kala, District- Ratlam, Madhya Pradesh., District : Ratlam, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Ganj, Tahsil and District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRC No. 4165 of 2019

1. Raghuvir Singh Rathore S/o Ganga Singh Rathore, Aged About 44 Years, R/o Village- Gawdi, Tahsil and Post- Ujjain, District- Ujjain, Madhya Pradesh., District : Ujjain, Madhya Pradesh

---- Applicant

Versus

- State of Chhattisgarh Through the Station House Officer, Police Station- Ganj, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Awadh Tripathi and Shri N. Naha Roy, Advocates (in MCRC No.2852 of 2019),
Shri B.P. Sharma with Shri M.L. Sakat, Advocates (in MCRC No.4165 of 2019).

For Non-applicant/State – Shri Devendra Pratap Singh, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-08-2019

1. As both these applications arise out of the same crime number, they are being decided by this common order.
2. MCRC No.2852 of 2019 is second bail application before this Court filed under Section 439 of the Cr.P.C. by applicant Rajendra Singh Sisodiya for grant of regular bail.
3. Learned counsel for applicant Rajendra Singh Sisodiya (applicant in MCRC No.2852 of 2019) prays to withdraw this application with liberty to

repeat the bail application after obtaining certain observation on the documents placed in record of this bail application from the trial Court.

4. Accordingly, MCRC No.2852 of 2019 is dismissed as withdrawn with the aforesaid liberty.

5. MCRC No.4165 of 2019 is second bail application before this Court filed under Section 439 of the Cr.P.C. by applicant Raguvir Singh Rathore for grant of regular bail. This applicant has been arrested on 11-01-2017 in connection with Crime No.23/2016 registered at P.S. -Ganj, Raipur, District- Raipur, Chhattisgarh for the offence under Section 420 and 409 of the IPC and Section 4 of the Prize Chits and Money Circulation Act 1978.

Earlier application of applicant Raghuvir Singh Rathore, MCRC No.4423 of 2017 has been rejected on merits on 08-03-2018.

6. On behalf of applicant Raghuvir Singh Rathore (applicant in MCRC No.4165 of 2019) it is submitted that the case against this applicant is triable by JMFC. The applicant is in jail since 11-01-2017 and the charges have been framed against this applicant on 07-05-2018. Therefore, this applicant has entitlement to be released on bail under Section 437(6) of the Cr.P.C. Therefore, it is prayed that he may be granted bail.

7. Learned counsel for the State/non-applicant opposes the application and submits that the earlier application of this applicant has been decided on merits considering all the facts and circumstances connected thereto, therefore, the second application filed by this applicant is without any substance, which may be rejected.

8. Heard learned counsel for the parties and perused the documents.

9. The earlier application filed by Raghuvir Singh Rathore, MCRC No.4423 of 2017 was considered in detail and rejected by this Court. If this applicant claims a ground for release on bail under Section 437(6) of the Cr.P.C. then he

has entitlement to file such application before the trial Court itself and this Court does not have that original jurisdiction to consider the prayer of this applicant under Section 437(6) of the Cr.P.C. Therefore, I do not find any change in circumstances for entertaining the repeat bail application of this applicant.

10. Consequently, the application filed by the applicant Raghuvir Singh Rathore under Section 439 of the Cr.P.C. for grant of regular bail is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge