

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1352 of 2019**

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

---- Petitioner**Versus**

Ramswaroop Manikpuri S/o Manohar Aged About 23 Years R/o Village- Manjira,
Police Station- Surajpur, District- Surajpur, Chhattisgarh.

---- Respondent

For the Petitioner	:	Shri Adil Minhaj, Advocate.
For the Respondent	:	None.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.09.2019**

Heard.

1. It is submitted by counsel for the petitioner that the petitioner in this case moved an application under Section 439 of the Cr.P.C. which was registered as M.Cr.C. No. 5256 of 2018 mentioning that he has been arrested in connection with Crime No. 70 of 2017 registered at police station Jainagar, District Surajpur for the offences under Sections 363, 366, 376(d), 306 and 201/ 34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012. Mention of Crime No.70 of 2017 was deliberate and erroneous for the reason that the actual crime number is 13 of 2017. The bail applications of the co-accused persons in the same case were earlier decided by the Co-ordinate Bench of this Court therefore, on this basis, one of the co-accused has filed an application before the Co-ordinate Bench in M.Cr.C. No. 1998 of 2019 which has been decided on

3.5.2019. The Co-ordinate Bench has made an observation in the order passed that this applicant has by erroneous mentioning of Crime No. 70 of 2017 has obtained bail from this Court. In that case, the correct crime number 13/ 2017 would have been mentioned, then the case would have been listed before the same Bench, therefore, directions were given to the State counsel for filing necessary application for cancellation of bail granted to the co-accused i.e. respondent – Ramswaroop Manikpuri. Hence, on this basis, it is prayed that the bail granted earlier to the respondent may be cancelled.

2. Notice has been returned served upon the respondent but so far respondent – Ramswaroop Manikpuri has neither appeared in person nor there is any representation on his behalf.

3. Considering the fact that this Court was mislead by the respondent by making an incorrect mention of the crime number as 70 of 2017 so that the case gets listed before this Court instead of Coordinate Bench of this Court where the earlier bail applications of the co-accused persons were decided. As per the standing instructions, if the correct crime number had been mentioned in the application concerned, the matter was required to be heard by the same Bench. Therefore, on finding that the respondent has acted in a deliberate manner which appears to be a bench hunting for seeking bail in his favour and also taking into consideration the observations made by the Coordinate Bench of this Court in M.Cr.C. No. 1998 of 2019 vide order dated 3.5.2019, I feel inclined to allow this petition.

4. Accordingly, this Cr.M.P. is allowed and the bail granted to the respondent in M.Cr.C. No. 5256 of 2018 vide order dated 17.8.2018 is

hereby canceled. The concerned police station is directed to take the respondent in custody and placed in detention in jail.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi