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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6900 of 2019

- Mahendra Kumar Gupta S/o Shri Ramratan Gupta, Aged About 50 Years, Occupation Business, R/o 404, Suraj Villa, Police Station New Palasiya, District Indore, Madhya Pradesh., District : Indore, Madhya Pradesh

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station Azad Chowk, Raipur, Chhattisgarh. District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri Deepak Rawal, Advocate.

For Non-applicant/State – Shri Adil Minhaj, Govt. Advocate.

Shri Rahim Ubwani, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-11-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application before this Court filed by the applicant for grant of regular bail. His earlier bail application, MCRC No.1525/2019 was dismissed on merits on 15-07-2019 by this Court. The applicant has been arrested on 02-02-2019 in connection with Crime No.334/2018 registered at P.S. - Azad Chowk, Raipur, District Raipur, Chhattisgarh for the offence under Section 420 of the IPC.

2. It is submitted that this application has been filed on the ground of delay in trial. The applicant is in jail since 02-02-2019. The trial has commenced, but the case is pending because the witnesses are not turning up. The incident in this case is a civil dispute. Placing reliance on the judgment of Hon'ble the Supreme Court in the matter of **Sanjay Chandra Vs. CBI**, (2012) 1 SCC 40 it is submitted that detention of the applicant in jail for indefinite period is violation of Article 21 of the Constitution of India. It is also submitted that after framing of charge and listing of case for hearing more than 60 days have expired, on this

ground also this applicant has become entitled for bail. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and the submission made. It is submitted that there is no change in circumstances after rejection of the earlier bail application. The offence alleged to have been committed by this applicant is of grave nature and apart from that, there are more than 40 cases pending against the applicant which are of similar nature which shows that he is a habitual offender, therefore, the applicant is not entitled for grant of bail.

4. Learned counsel for the objector adopts the argument advanced by learned State counsel and submits that looking to the number of cases that are pending against the applicant, he is not entitled for grant of bail and also there is no such delay occurred on the basis of which the applicant can be said to have become entitled for grant of bail.

5. Heard learned counsel for the parties and perused the petition.

6. The earlier applicant filed by this applicant has been rejected just a few months ago on 15-07-2019, in between the applicant had also moved an application under Section 437(6) of the Cr.P.C. which has been rejected by the trial Court on 03-08-2019, the revision filed against that order has also been dismissed by the revisional Court of Sessions Judge, Raipur. Therefore, in this case, I do not find any such reason to hold that there had been an exceptional delay in conclusion of the trial and also looking to the number of cases against him, it is found that the applicant does not deserve grant of regular bail. Consequently, the application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby dismissed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge