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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1798 of 2019

- Suresh Kumar Agrawal S/o Late Durga Prasad Agrawal, Aged About 62 Years, R/o Qtr. No. 229/3, Ward No. 14, Baldeo Bag, Rajnandgaon, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through the Police Station Gandai, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri B.D.Guru and Shri S.S. Baghel, Advocates.

For Non-applicant/State – Shri Sudeep Verma, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-12-2019

1. This is second application filed by the applicant under Section 438 of the Cr.P.C. for grant of anticipatory bail. The applicant is apprehending his arrest in connection with Crime No.137/2016, registered at Police Station – Gandai, District- Rajnandgaon, Chhattisgarh for offence punishable under Section 409/34 of the IPC.

2. It is submitted by learned counsel for the applicant that the earlier application of the applicant, MCRCA No.28/2017 has been dismissed on merits on 15-11-2017 by this Court. It is further submitted that the circumstances have changed subsequent to the rejection of the earlier application, as there is mention in the earlier order that there is no evidence regarding handing over of charge of the stock regarding which documents are filed as Annexure-A/3 and A/4, which shows that the applicant was relieved on 31-05-2016. It is also submitted that the applicant has obtained details of issuance of fertilizer by the Samiti from the official website, which shows that numbers of transactions were made in absence of the applicant and the applicant has been made responsible for those transactions also. Therefore, these are new facts and circumstances on the basis of which it is prayed that the applicant be granted

anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is no change in circumstances subsequent to rejection of the earlier application. The documents that are filed are not part of the case diary and the document on which the applicant is relying has to be proved before the trial Court which shows that this is his defence. Hence, no case is made out for grant of anticipatory bail.

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

5. As the application has already been considered on merits, therefore, there is no need for reconsideration.

6. The facts and documents on which the applicant is relying are not part of the case diary, therefore, not the part of the investigation. Hence, it cannot be said that there is any change of circumstance at present. Therefore, I do not find any reason to grant any relief to the applicant on this repeat application. Accordingly, the application filed by the applicant for grant of anticipatory bail is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge