

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1566 of 2020**

Manish @ Praveen Gupta S/o Shri Premchand Gupta Aged About 30
Years R/o Village Pandariya, P. S. Amarkantak, Civil And Revenue
District Anuppur M. P.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Borai, District Dhamtari Chhattisgarh

---- Respondent

For applicant	Mr. Sunil Sahu, Adv.
For Respondent/State	Mr. Suyash Dhar, Panel Lawyer.

Hon'ble Shri Justice Sharad Kumar Gupta**Order on Board****5-3-2020**

1. This is 4th bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court. His 1st application MCRC No. 9724/2018 was rejected by this Court vide order dated 1-2-2019 considering the prima facie case against him. His 2nd bail application MCRC No. 3082/2019 was rejected by this Court vide order dated 16-5-2019 considering the prima facie case against him. His 3rd bail application MCRC No. 5944/2019 was rejected by this Court vide order dated 3-10-2019 considering the prima facie case against him.
2. Perused the case diary.
3. The applicant has been arrested in connection with Crime No. 29/2018 registered at Police Station Borai, Distt. Dhamtari (CG) for the offence punishable under Section 20-B of the NDPS Act, 1985.
4. Prosecution story in brief is that on 3-10-2018 at about 11.50 hours at village Likhma, Inspector N.L. Mandavi seized 18 kg connabis from possession of the applicant.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated. He further submits that 4 months have passed since rejection of 3rd bail application. The applicant is in jail since 3-10-2018. Trial is delayed. One another criminal case which was registered against him under the IPC has already been compromised. He also submits that while rejecting 3rd bail application of the applicant, it has been observed in para 7 of the order that while granting bail to another co-accused, the coordinate bench mentioned

in its order that no criminal antecedent was reported against that co-accused, but actually one criminal case under Section 498-A and 304-B of the IPC has been registered against said co-accused. Said co-accused have been enlarged on bail by the coordinate bench. Hence, it is prayed that, looking to these circumstances, the applicant may also be enlarged on bail.

6. Learned State counsel opposes the bail application and submits that one another criminal case was registered against the applicant.
7. This is true that delay in trial and detention period of accused are material factors for disposal of bail application. But equally it is also true that seriousness of the offence, effect of granting bail to the accused on society are more material and important factors for disposal of the bail application.
8. If any registered offence is subsequently compromised then it does not mean that no offence was registered against him. While dealing with bail application, it is sufficient that offence/offences was/were registered against the accused irrespective of the result of the case.
9. Earlier on 1-2-2019 and 16-5-2019, this Court has rejected the bail applications of applicant considering prima facie case against him. Thereafter vide order dated 28-6-2019 passed in MCRC No. 3329/2019, coordinate bench of this Court has granted bail to co-accused Ankit Kumar Gupta and Sitaram Gupta. The order of coordinate bench does not reveal that it was brought to his notice that earlier two bail applications of the applicant of this case have been rejected by this Court. Moreover, in the said order of the coordinate bench, it has been clearly mentioned that applicants have no previous criminal antecedents. The order of the coordinate bench also does not reveal that it was brought to his notice that offence under Section 498-A and 304-B of IPC was registered against the co-accused.
10. Looking to the above mentioned facts and circumstances of the case, this Court finds that there is no material change in circumstances which may entitle the applicant to be released on bail in 4th round of litigation.
11. Consequently, instant bail application is also rejected.

Sd/-
(Sharad Kumar Gupta)
Judge