

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2075 of 2020

Arif Ahmed Qureshi, S/o. Late Shri Mumtaz Qureshi, aged about 48 years,
R/o. Noorani Chowk Rajatalab P.S. Civil Line Raipur, District- Raipur,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : District Magistrate Raipur, District- Raipur,
Chhattisgarh.

---- Respondent

AND

M.CR.C. No. 2935 of 2020

Abdul Gani, S/o. Abdul Gaffar, aged about 46 years, R/o. Nayapara,
Tatyapara Chowk, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Pandri,
District Raipur, Chhattisgarh.

---- Respondent

For Applicant (in M.Cr.C. No.2075 of 2020)	: Mr. Arvind Sinha, Advocate
For Applicant (in M.Cr.C. No.2935 of 2020)	: Mrs. Smita Jha, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G.
For Objector	: Mr. Kashif Shakil, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/06/2020

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.

2. These are the second bail applications filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants, who have been arrested in connection with Crime No.23/2019, registered at Police Station – Pandri, District – Raipur (C.G.) for the offence punishable under Section 420, 467, 468, 471 read with Section 34 of the Indian Penal Code. The first bail applications of the applicants were rejected on merits vide order dated 18.07.2019 in M.Cr.C. No.1080 of 2019 and in M.Cr.C. No.1087 of 2019.
3. It is submitted by the learned counsels for the applicants that the applicants have been falsely implicated in this case. Both the applicants have not played any role in the said commission of offence. They are not the beneficiaries of any of the amount, which is said to be cheated from the complainant. There is no evidence that these applicants gave any inducement to the victim on the basis which he was induced.
4. On behalf of the applicant – Abdul Gunny, it is submitted that the applicant was the employee of the main accused and he has put his signature as witness on the deed, therefore, there is no involvement of the applicant in the said commission of crime. Hence, it is prayed on behalf of both the applicants that they may be enlarged on regular bail.
5. On the other hand, learned counsel for the State opposes the bail applications. It is submitted that the earlier bail applications filed by both the applicants have been considered in detail and rejected and no new ground is made out for entertainment of these second applications. Hence, both the applications be rejected.

6. Mr. Kashif Shakil, Counsel appearing on behalf of the objector submits that the second bail applications filed by both the applicants can not be entertained as there is no new ground made out. The applicants have filed these applications suppressing the facts that one co-accused Aftab Siddiqui had filed second bail application before this Court, which was registered as M.Cr.C. No.6532 of 2019 and this Court by order dated 23.10.2019 has rejected that application making an observation that the trial in the case is lingering on because of adjournments sought by the co-accused side. Therefore, the case of the applicants is also similar and they have no entitlement to make a prayer for grant of bail. It is also submitted that co-accused Aftab Siddiqui has filed application for grant of bail before the Supreme Court, which is pending, therefore, under these circumstances, this applications are not fit to be entertained by this Court.
7. I have heard the learned counsel for both the parties and perused the case diary.
8. The first bail applications filed by these applicants have been considered in detail and rejected by this Court in previous order. Therefore, there is no need for consideration on merits. As regards, the ground raised that trial is getting delayed, the reason for delay has been considered in the order dated 23.10.2019, passed in M.Cr.C. NO.6532 of 2019 in which it is mentioned that accused side itself is responsible for the delay caused in the trial. Therefore, at present I found no reason or new circumstances for granting any relief in the shape of bail to the applicants.

9. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram