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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2117 of 2020**

Dr. Prithi Pal Singh Sethi S/o Late Shri Ram Singh Sethi Aged About 64 Years R/o 59/179, Wadi House, 101, Bhutal Dr. B.N. Road, New Hyderabad, Police Station Mahanagar, Lucknow And Also At Present 109, Ukta Co-Operative Board Society, Jogeshwari West Mumbai, Maharashtra, District Mumbai, Maharashtra.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Chhawani, Bhilai, District Durg, Chhattisgarh., District : Durg, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 2129 Of 2020**

Dr. Prithi Pal Singh Sethi S/o Late Shri Ram Singh Sethi Aged About 64 Years Resident Of 59/179, Wadi House , 101, Bhutal Dr. B.N. Road , New Hyderabad, Police Station Mahanagar, Lucknow, And Also At 109, Ukta Co-Operative Board Society, Jogeshwari West Mumbai Maharashtra, District Mumbai Maharashtra.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station Tumbgaon, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 2131 Of 2020**

Dr. Prithi Pal Singh Sethi S/o Late Shri Ram Singh Sethi Aged About 64 Years R/o 59/179, Wadi House 101, Bhutal Dr. B.N. Road, New Hyderabad, P.P. Mahanagar, Lucknow, And Also At 109, Ukta Co-operative Board Society, Jogeshwari West Mumbai Maharashtra, District- Mumbai, Maharashtra.

---- Applicant**Vs**

State Of Chhattisgarh Through Station House Officer, Police Station Khairagarh, District- Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Summinder Paswan, Shri Ajayinder Sangwan, Shri Manish Upadhyay and Shri Ashish Gupta, Advocates.
For the Respondent/State	:	Shri Devendra Pratap Singh, Dy. A.G.
For the Objector	:	Shri B.P. Singh, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.06.2020**

Heard.

1. All these applications are being decided by this common order as they are against the same applicant with different crime numbers. These are the fourth bail applications of the applicant filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant. The first bail applications of this applicant in all the three cases have been rejected on merits on 10.5.2018. The second bail applications of this applicant in all the three cases have been dismissed on 6.2.2019 with liberty to file a repeat application after one year. The third bail applications of this applicant in all the three cases have been again rejected on 17.5.2019 and there was no liberty granted for filing any repeat application. The applicant has been arrested in connection with Crime Nos.233 of 2016 registered at Police Station – Chhawani, Bhilai, District – Durg, Chhattisgarh, 193 of 2015 registered at Police Station – Tumbgaon, District – Mahasamund, Chhattisgarh and 13 of 2017 registered at Police Station – Khairagarh, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 420 and 409/ 34 of the Indian Penal Code, Sections 3, 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning Act, 1978) and Section of the Protection of Depositors Interest Act, 2005.

2. Learned counsel for the applicant submits that the applicant is in jail since 8.2.2018 and they have been falsely implicated in all the three cases. This fourth bail application in all the three cases has been filed on the basis of the liberty granted by this Court. The trial against this applicant is still

continuing and there is no hope that this trial may be concluded soon in the near future. The number of witnesses in all the three cases is huge and the conclusion of the cases is likely to take suitable time. It is further submitted that the charge under Section 10 of the Protection of Depositors Interest Act, 2005 has been dropped and the rest of the offences against these applicants are triable by the Judicial Magistrate First Class. Further, the applicant is in jail since about 2 years and 4 months. Hence, on the ground of delay in the trial, it is prayed that the applicant in all the three cases be benefited with grant of bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that the first application filed by the applicant in all the three cases has been rejected on merits and the two subsequent applications have also been dismissed by giving finding that there is no change in circumstance. It has been observed in the rejection order by this Court that the crime alleged to have been committed by this applicant is of huge magnitude which was an organized crime and was committed in a systematic manner. Apart from this, it is submitted that this applicant had remained absconder for about six years, therefore, there is a possibility that the applicant may abscond again if he is granted bail. Hence, for these reasons, he is not entitled for grant of regular bail.

4. Learned counsel for the objector submits that although the offences against the applicant are triable by the Judicial Magistrate First Class but the magnitude of offence is huge. Hence, no case is made out for grant of regular bail to the applicant.

5. In reply, it is submitted by counsel for the applicant that the applicant is a senior citizen and he is on bail in other cases registered against him. It is also submitted that the applicant himself had been a victim as he is not benefited from the crime which is alleged to have been committed by him. This may also be considered and the applicant be granted bail.

6. Heard counsel for both the parties and perused the case diary.

7. Considered the submissions made by the counsels from both the sides. The ground of delay has been considered in the earlier orders of rejection filed by this Court. Only for the reason that the offences are triable by the Magistrate, the entitlement for grant of bail does not arise. It is the enormity of the offence alleged to have been committed by this applicant, on which this Court has observed again and again. The present situation of restricted functioning of the Court is not going to continue forever and the other submission made by the applicant himself he is a victim is a ground in defence which is needed to be established in the trial, therefore, I am of this view that the applicant is not entitled for grant of regular bail in all the three cases. Therefore, all the three applications of the applicant are rejected.

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

Sd/-

(Rajendra Chandra Singh Samant)
Judge