

HIGH COURT OF CHHATTISGARH, BILASPUR

M. Cr. C. (A) No. 604 of 2020

Ashish Gupta S/o Shri Hanuman Das Gupta, Aged About 31 Years, R/o Pandatarai, Tehsil Pandariya, District Kabirdham, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police
Station Pandatarai, District Kabirdham, Chhattisgarh

---- Respondent

For Applicant	:	Smt. Indira Tripathi, Advocate
For Respondent/State	:	Ms. Sunita Jain, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order On Board

26/06/2020

1. The present is a repeat application filed under Section 438 of Cr.P.C. seeking for grant of anticipatory bail to the applicant apprehending his arrest in connection with Crime No. 36/2018 registered at Police Station Pandatarai, District Kabirdham (CG) for the offence punishable under Sections 376 & 506 of IPC.
2. It would be relevant at this juncture to take note of the fact that when the earlier anticipatory bail application i.e. MCRCA No. 461/2018 was taken up for hearing on 05.07.2018, the same was withdrawn by the applicant with liberty seeking permission to surrender before the concerned trial Court and to seek for a regular bail. On the request and liberty sought by the applicant was allowed and the matter stood dismissed as withdrawn with a direction to the trial Court that if the applicant surrenders himself

and moves a regular bail application, the same shall be considered on the same day.

3. Though the said anticipatory bail application was disposed of on 05.07.2018, it seems that the applicant has not taken any step to comply with the liberty that was granted to him on 05.07.2018 and now after a period of 2 years, the applicant has filed a fresh anticipatory bail application. It appears that the applicant has been all period managing himself and avoiding arrest. Two years period is a pretty long time for a person against whom a criminal case of serious nature has been registered for not availing the legal remedies available to him.
4. Hearing the counsel for the applicant it appears that all those grounds which the applicant has now made were all in existence when the previous anticipatory bail application was filed. As such this Court does not find any strong case made out on the part of the applicant for reconsidering the anticipatory bail application particularly in the light of the submission that the applicant himself had made on 05.07.2018 while the first anticipatory bail application was disposed of.
5. Accordingly, the present MCRCA stands rejected.

Sd/-
(P. Sam Koshy)
Judge