

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3319 of 2020**

Abdul Jabbar @ Jabbari, S/o Shri Habdul Habib, Aged about 62 years, Occupation Business, R/o 3919 near Jagat Cinema, Urdu Bazar, Delhi, P.S. Jama Masjid, Delhi.

---- Applicant**Versus**

The State of Chhattisgarh, Through - Station House Officer, Police Station- Civil Lines, District- Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mr. Ankit Saxena, Advocate with Mr. Anumeh Shrivastava, Advocate.
For Respondent/State	:	Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/09/2020**

1. This is the sixth bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 288/2017, registered at Police Station – Civil Lines, District – Bilaspur (C.G.) for the offence punishable under Section 121-A, 122, 123, 120-B, 201/34 of the I.P.C.
2. The first bail application MCRC No. 2620/2018 was dismissed as withdrawn on 17.04.2018. The second bail application MCRC No. 2698/2018 was also dismissed as withdrawn on 21.06.2018. The third bail application MCRC No. 4746/2018 was dismissed on 23.08.2018 on merits. The fourth bail application MCRC No.

4992/2019 was dismissed for want of prosecution on 03.01.2020.

The fifth bail application MCRC No. 964/2020 was again dismissed as withdrawn on 13.03.2020.

3. Learned counsel for the applicant submits that the applicant is in jail since about two years. Only evidence present against the applicant is memorandum statement given under Section 27 of the Evidence Act, which is not admissible in evidence under the law. The applicant is 65 years old man suffering from medical condition for which, he is being treated in jail hospital regarding which, document has been submitted along with the application. It is also submitted that the trial against the applicant has made no progress. He is languishing in jail without any fault on his part, therefore, looking to the delay in conclusion of trial, it is prayed that this applicant be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application submitting that this Court has already rejected the application for grant of bail on merits by passing detailed order. The memorandum statement given by the applicant shows the scale of involvement of the applicant in commission of crime, which is against to the national interest, therefore, the applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
5. Learned counsel for the applicant, in reply, submits regarding memorandum statement given by the applicant that there is no

investigation made to verify so called statement given on memorandum, therefore, the applicant has entitlement for grant of bail.

6. Heard counsel for both the parties and perused the records.
7. Considered on the submissions. As the earlier bail application MCRC No. 4746/2018 has been dismissed on merits after considering on the facts and circumstances of the case, therefore, the submission made to reconsider on merits of the case, cannot be entertained. As regard to the medical condition of the applicant and his age, the applicant is getting all the medical aid as may be necessary within the jail. The delay alone cannot be a criteria for grant of bail in case which has such magnitude. No further comment is made on argument submitted by respondent side and on the case that is present against this applicant.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge