

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7703 of 2020**

Shrimant Das @ Babu S/o Shri Dadhivaman Das Aged About 38 Years R/o Sarbahal, Ward No. 01, Post Sarbahal, Police Station And District Jharsugda Orissa.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, District Bilaspur Chhattisgarh.

---- Respondent

AND**M.Cr.C. No. 7715 of 2020**

Shrimant Das @ Babu S/o Shri Dadhivaman Das Aged About 38 Years R/o Sarbahal, Ward No. 01, Post Sarbahal, Police Station And District Jharsugda Orissa.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Rishi Rahul Soni, Advocate.
For the Respondent/State	:	Shri Ghanshyam Patel and Shri Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****11.12.2020**

Heard.

1. The applicant is common in both the cases although crime numbers are different, therefore, both the applications are being disposed off by this common order. Both these applications are third bail applications filed under

Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant. His first bail application has been dismissed on merits and the subsequent application filed by this applicant has also been dismissed. The applicant was arrested in connection with Crime Nos.550 of 2018 and 2 of 2019, registered at Police Station – City Kotwali, Bilaspur, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 420, 468 and 120(B)/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in both the cases. The applicant is patient of diabetes who is also having problems of heart and with respect to blood regarding which, treatment is going on. One of the co-accused, namely, Paul has been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No. 5593 of 2020 vide order dated 21.9.2020. The trial against the applicant is getting delayed. He is in jail since 30.12.2018. Hence, it is prayed that the applicant be granted bail in both the cases.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the earlier two applications filed by this applicant in both the crime numbers have been rejected on merits. As regards, the grant of bail to co-accused – Paul, it is submitted that the fact of rejection of the bail application of this applicant/ co-accused was suppressed and not brought to the notice of the Co-ordinate Bench, therefore, the applicant cannot claim ground of parity in the matter of grant of bail to him. Regarding the medical condition of the applicant, it is submitted that the applicant is being taken care of by the jail

authorities and he is being provided with medical treatment and medicines, therefore, the medical condition of the applicant cannot be made a ground for grant of bail to the applicant. Hence, it is prayed that both the applications of this applicant be rejected.

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

5. Considered the submissions made by the counsel for both the sides. The earlier two applications have been rejected on merits. It has been observed in the previous rejection order that the applicant and the other co-accused persons as a team committed numerous offences and most of them are unreported.

6. On perusal of the order passed by the Co-ordinate Bench of this Court in M.Cr.C. No. 5593 of 2020, it is found that there has been no mention regarding the bail rejection of this applicant and other co-accused persons. Hence, it cannot be said that the Co-ordinate Bench was aware of the bail rejection of this applicant and the other co-accused persons. Hence, I am of this view that the ground of parity in such matter is not available. As regards the medical condition, it is found after perusal of the documents filed regarding the medical prescriptions with respect to this applicant that he has received treatment in jail and there is no emergent situation which can be made a basis for grant of bail to him, hence, in my opinion, there is no new ground present and no change in circumstance present for grant of bail to the applicant in both the cases.

7. Accordingly, the third bail applications of the applicant in both the cases filed under Section 439 of the Cr.P.C. are rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi