

HIGH COURT OF CHHATTISGARH AT BILASPUR**Criminal Appeal No. 907 of 2021**

1. Dinesh Banjara @ Devraj S/o Dhanlal, Aged about 30 years, Caste Satnami, R/o Village Senguda, Chowki Chilfi, Thana and Tahsil Lormi, Distt. Mungeli, Chhattisgarh.
2. Hanuman Dhritlahre S/o Late Bisahu Dhritlahre, Aged 47 years, Caste Satnami, R/o Sonpuri, Thana Pandariya, Distt. Kabirdham Kawardha, Chhattisgarh.

---Appellants

Versus

State Of Chhattisgarh Through the Police Station
Tumgaon, Distt. Mahasamund, Chhattisgarh.

---Respondent

For Appellants :- Mr. J.K. Gupta, Advocate
For State :- Mr. Sunil Otwani, Addl. A.G.

Hon'ble Shri Justice Sanjay K. Agrawal
Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

20/10/2021

1. This appeal under Section 21(4) of the National Investigation Agency Act, 2008 has been preferred by the present appellants calling in question the order impugned dated 12/07/2021 passed by learned

Special Judge (N.I.A), Bilaspur rejecting their bail application under Section 439 of CrPC.

2.Mr. J.K. Gupta, learned counsel for the appellants, would submit that since one co-accused of the appellants namely Tihar Koshle @ Pandit has already been granted bail by this Court vide order dated 22/06/2021 passed in CRA No. 515/2021 and the statements of the four witnesses namely Smt. Rani alias Kulwant Kaur, Jagdish Ravidas, Dinesh Kumar Dahariya and Geeta Ram Bhaskar have also been recorded, therefore, the present appellants are entitled to be released on bail.

3.Mr. Sunil Otvani, learned Additional Advocate General for the respondent/State, would submit that the appellants herein have already filed a bail application which has been rejected on 30/06/2020 against which Criminal Appeal No. 586/2020 was preferred, but that too, has been dismissed by this Court on 24/11/2020. As such, there is no ground made out for the appellants to be released on bail.

4. We have heard learned counsel for the parties, considered their rival submissions and perused the record.

5. The first bail application filed by the appellants was rejected by learned Special Judge (N.I.A.) on 30/06/2020 against which they preferred Criminal Appeal No. 586/2020 (Dinesh Banjare & Anr. v. State of Chhattisgarh) wherein this Court vide order dated 24/11/2020 dismissed the appeal and recorded the following finding :-

“... considering the seriousness of the offence the present does not appear to be a fit case for passing any order in favour of the appellants to release them on regular bail.”

6. Having heard learned counsel for the parties and considering the limited scope of this appeal, we do not consider it a fit case for grant of bail to the appellants as they have failed to demonstrate any change of circumstances/made out a new ground warranting their release on bail.

7. The previous bail application filed by the appellants has been rejected on merits and the second bail application preferred by the appellants has been dismissed by learned Special Judge on the basis of earlier rejection of the

bail application. While preferring this criminal appeal, the appellants have not disclosed before this Court that their previous bail application and the criminal appeal preferred against that order has already been rejected. The said fact ought to have been disclosed in this appeal, however, it is apparent from the order dated 12/07/2021 passed by learned Special Judge (N.I.A.), Bilaspur.

8. Accordingly, this criminal appeal stands dismissed.

9. Registry is directed to find out the reasons as to why dismissal of the earlier criminal appeal No. 586/2020 filed by the appellants was not brought to the notice of this Court at the time of admission and at the time of final hearing of this appeal and to take remedial steps in future.

Sd/-

(Sanjay K. Agrawal)

Judge

Sd/-

(Arvind Singh Chandel)

Judge