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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1571 of 2020**

1. Kuleshwar Sonkar, S/o. Lt. Shri Jeewan Lal Sonkar, aged about 40 years, R/o. Sonu Niwas, Durga Chauk Koliyari, Post and Tehsil Dhamtari, Distt. Dhamtari (Chhattisgarh).
2. Mayank Sonkar, S/o. Shri R.D. Sonkar, aged about 33 years, R/o. Rohanipuram Goal Chauk Raipur, Tehsil and District - Raipur (Chhattisgarh).

----Applicants**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station- City Kotwali, Dhamtari, Distt. Dhamtari (Chhattisgarh)

---- Respondent

For Applicants	: Mr. Awadh Tripathi, Advocate
For Respondent/State	: Ms. Hamida Siddiqui, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****25/06/2021**

1. Apprehending arrest in connection with Crime No.126/2019, registered at Police Station City Kotwali, Dhamtari, District – Dhamtari (C.G.) for offence punishable under Section 420, 34 of the Indian Penal Code, Section 4, 5 & 6 of the Prize Chits and Money Circulation Scheme (Banning) Act, 1978 and under Section 10 of the Chhattisgarh Protection of Depositors Interest Act, 2005, the applicants have preferred this second bail application for grant of anticipatory bail. The first bail application M.Cr.C.(A) No. 792 of 2019 has been dismissed on merits vide order dated 26.09.2019.

2. It is submitted by the learned counsel for the applicants that earlier this Court had rejected the anticipatory bail application of the applicants and others mentioning that considering that application for grant of anticipatory bail is barred under Section 15 of C.G. Protection of Depositors Interest Act, 2005. Present development in this case is this that co-accused persons, who are being tried, they have been discharged from the offence under Section 10 of the C.G. Protection of Depositors Interest Act, 2005. These applicants stand on the similar footing. It is also submitted that the case of the applicants is good on merits also, therefore, they may be benefited with grant of anticipatory bail.
3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that subsequent to dismissal of earlier bail application on merits, no new circumstances has arisen in favour of the applicants. The applicants themselves are not facing trial, therefore, they can not take benefit of the order that has been passed by the trial Court with respect to the other accused persons. Hence, the application be rejected.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. As this is second bail application, therefore, no need to consider on the merits of the case. Change in circumstance that has been brought to the notice of this Court, that co-accused persons have been discharged from the offence under Section 10 of the C.G. Protection of Depositors Interest Act, can not be made a ground for anticipatory bail by these applicants for the reasons that they are not facing trial and therefore, the discharge of the other co-accused

persons shall not have any effect or give any benefit to the applicants. Secondly, the copy of the order of the trial Court discharging the co-accused persons is not filed by the applicants' side, hence for these reasons, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.

6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram