

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8222 of 2020

- Manish @ Praveen Gupta S/o Shri Premchand Gupta Aged About 30 Years R/o Village- Pandariya, P.S.- Amarkantak, Civil And Revenue Distt.- Anuppur, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through, Station House Officer, Police Station- Borai, Distt.- Dhamtari, Chhattisgarh

---- Non Applicant

For the Applicant	:	Mr. Sunil Sahu, Advocate
For Non Applicant/State	:	Mr. Raghvendra Verma, G.A.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

12.01.2021

1. This is fifth bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court vide order dated 01.02.2019 passed in MCRC No.9724 of 2018 considering prima facie case against him, his second bail application was rejected by this Court vide order dated 16.05.2019 passed in MCRC No.3082 of 2019 considering prima facie case against him. His third bail application was rejected by this Court vide order dated 03.10.2019 passed in MCRC No. 5944 of 2019 considering prima facie case against him. His fourth bail application was rejected by this Court vide order dated 05.03.2020 passed in MCRC No.1566 of 2020 considering prima facie case against him.
3. Prosecution story in brief is that on 03.10.2018 at about 11.50 hours at village Likhma, Inspector N.L. Mandavi seized 18 kg cannabis from possession of the applicant.
4. Counsel for the applicant submitted that applicant is in jail since 03.10.2018, trial is delayed and there is no material progress in trial. After rejection of fourth bail application on 05.03.2020, 9 months have

passed. Some co-accused have already been released by Co-ordinate Bench of this Court. One another case was registered against him which was a compounded offence and was not serious in nature. The seizure witnesses examined have turned hostile. Prosecution acted to provide facility to other co-accused. Hence, applicant may be released on bail.

5. This is true that delay in trial and detention period of the accused are material factors for disposal of the bail application filed by the accused. But equally it is also true that seriousness of the offence and impact of granting bail to the accused on society are more material and important factors for disposal of the bail application filed by the accused.
6. This Court already considered this aspect that another case registered against the applicant if compromised then what would be the effect of Para No.8 of order dated 05.03.2020. While dealing the 4th bail application this Court also considered the aspect of granting bail to some co-accused by Co-ordinate Bench of this Court.
7. Mere turning hostile of seizure witnesses it does not mean that applicant is entitled for bail. Moreover, in the case in hand, I.O. is to be examined.
8. This is true that bail is under rule but equally it is also true that seriousness of the offence and impact of granting bail to the accused are also material and important factors while dealing the bail application filed by the accused.
9. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where the applicant may be released on bail in 5th round of litigation.
10. Consequently, the 5th bail application of applicant is rejected.

Sd/-
(Sharad Kumar Gupta)

Judge

parul