

ITEM NO.11

COURT NO.4

SECTION IIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).5041/2013

(From the judgement and order dated 22/04/2013 in MCRC No.1757/2013, of
The HIGH COURT OF CHHATTISGARH AT BILASPUR)

ALOK KUMAR DWIVEDI

Petitioner(s)

VERSUS

STATE OF CHATTISHGARH

Respondent(s)

(With appln(s) for bail and office report)

Date: 15/07/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. Dinesh Kumar Garg, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
O R D E R

We have heard Mr. Dinesh Kumar Garg, learned counsel for the petitioner.

The second bail application moved by the petitioner before the High Court has been rejected on the ground that the first bail application was dismissed on merits on May 8, 2012 and there is no change in circumstances.

We are afraid the High Court has not considered the matter in right perspective because non-progress in the trial for more than a year after the first bail application was dismissed on May 8, 2012 is definitely a relevant circumstance in a matter like this where the petitioner is in custody for 26 months in respect of the offences under Sections 406/420 of the Indian Penal Code, 1860. However, since the matter arises out of a bail application, we do not think this is a fit case where we should exercise our jurisdiction under Article 136 of the Constitution of India. Instead, we feel that the petitioner should approach the High Court again for grant of bail. Obviously, on such application being made by the petitioner, the High Court shall consider such application appropriately having regard to the provisions contained in Section 437(6) of the Code of Criminal Procedure, 1973 and the decision of this Court in Sanjay Chandra vs. CBI 2012 (1) SCC 40.

With the above observations, Special Leave Petition is disposed of.

|(Pardeep Kumar)
|Court Master

|(Renu Diwan)
|Court Master

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