

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4438 of 2016

- Shivkumar Patel S/O Shri Puniram Patel Aged About 44 Years Occupation Secretary, Presently Posted At Office Of The Chief Executive Officer, Janpad Panchayat Masturi, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Officer In Charge Of Police Station Masturi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Roop Naik, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09-08-2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 26-03-2016 in connection with Crime No. 117 of 2013, registered at Police Station Masturi, District Bilaspur (CG) for the offence punishable under Sections 419, 420, 467, 471 & 120 (B) and 201 of the IPC. First bail application was dismissed on merit on 28-6-2016.
2. Case of the prosecution, in brief, is that land bearing Khasra No.536/4, admeasuring 2.39 acres situated at village Bhadaura was a Government land which was recorded in the name of Anandram, fictitious person who never existed and sale deed was executed. Subsequently when offence came to fore, it was found after perusal of the sale deed that the

present applicant had given copy of the ration card which was attached with the sale deed whereby identity of Anandram fictitious person came into existence and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that earlier occasion on 28-6-2016 written submission was made on behalf of the State counsel that the applicant was absconding and on that ground first bail application was rejected, therefore, there is a change of circumstance in the second bail application. He would further submit that charge-sheet has been filed in the case and the applicant is in jail since 26-3-2016 and no further investigation is required, therefore, he may be released on bail.
4. *Per contra*, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Considering the conduct of the applicant and nature of allegations leveled against him, earlier bail application was dismissed and I do not find any change of circumstance existed to consider the repeat bail application.
7. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is also liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju