

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 5695 of 2016

- Mukesh Kumar Kurre S/o Shri Sammat Ram Kurre Aged About 38 Years R/o Village Binouri, Post Pachpedi, P.S. Masturi, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Police Station Masturi, District Bilaspur, Chhattisgarh.

----- Respondent

For Applicant : Shri J.K. Shastri, Advocate

For Respondent : Shri O.P. Sahu, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

02.12.2016

1. This is second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with crime No.200/2015 registered at Police Station Masturi, District - Bilaspur (C.G.) for the offence punishable under Sections 419, 420, 467, 468, 471 and 120-B of the IPC.
2. The first bail application was rejected on 08.06.2016 in M.Cr.C. No. 2658/2016.
3. The Applicant has now filed repeat bail application holding that till now only 3 witnesses have been examined out of total 20 witnesses cited by the prosecution.
4. Learned Counsel for the Applicant submits that it is the case where the allegation against the present applicant is that of impersonating himself for getting loan amount of Rs. 1,03,000/-. He further submits that the applicant

has deposited the entire amount with interest as is reflected from the deposit slip enclosed as Annexure P/4 with this appeal wherein he has deposited Rs. 1,42,000/- to the Bank and therefore the applicant having refunded the entire amount, no further loss remains caused on the Bank. He further submits that the co-accused Tulsa Bai has already been granted anticipatory bail by this Court in MCRCA No. 1108/2015 vide order dated 19.11.2015. Therefore, the present applicant may also be released on bail

5. On the other hand, learned Counsel for the State opposes the bail application on the ground that the allegation against him is quite serious and that Annexure P/4 and contention of loan amount refunded is yet to be verified.
6. Considering the total facts and circumstances of the case particularly taking note of the period of custody undergone by the present Applicant and the fact that till now the prosecution has examined only 3 witnesses out of 20 witnesses, it appears that the case also is progressing at a slow pace and further taking note of the fact that the present Applicant is said to have deposited the entire loan amount back to the Bank, this Court is of the opinion that the Applicant has made a strong case for grant of bail.
7. Accordingly, the present bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-

(P. Sam Koshy)
JUDGE