

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2194 of 2016**

Radhekant Agrawal @ R.K. Modi, S/o Raghe Gopal, aged about 38 years, R/o Near Nutan Kisan Rice Mill, Police Station Azad Chowk, Civil and Revenue District Raipur (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through :- Police Station Ganj,
District – Raipur (C.G.)

-----Non-applicant

For Applicant: Mr. Arun Kochar, Advocate.
For Respondent/State: Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****07/04/2016**

Heard.

(1) The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 92/2015 registered at Police Station Ganj, District Raipur for the offence punishable under Section 420 read with Section 34 of the Indian Penal Code.

(2) The applicant's first bail application was dismissed on merits by this Court vide order dated 23.09.2015 passed in M.Cr.C. No.5050/2015.

(3) Case of the prosecution, in brief, is that applicant obtained various articles from the complainant worth Rs. 20,46,162/- and did not make payment of the same and issued forged cheque,

which has become dishonoured.

(4) Learned counsel for the applicant submits that co-accused – Jaikishan Wing @ Sunny has already been released on bail by the court below and, therefore, the applicant is also entitled for grant of bail on the ground of parity. He further submits that applicant is not well and by virtue of provisions contained in Section 313 of the Code of Criminal Procedure, the applicant is entitled for bail. He also placed reliance of the order the High Court of Madhya Pradesh in the matter of ***Manohar Vs. State of M.P.***¹ in support of his case. He also submits that the cheque dishonour case is also pending consideration and, therefore, the applicant is entitled to be released on bail.

(5) On the other hand, counsel for the State opposes the bail application.

(6) Taking into consideration the facts & circumstances of the case; role of the present applicant in the offence in question; manner in which the offence is said to have been committed and the case being distinguishable to co-accused – Jaikishan Wing @ Sunny, who has already been granted bail by the court below; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

1 2007(3) M.P.H.T. 349

