

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C.No.2015 of 2016**

Sunil Kumar Agrawal, son of Shri Madanlal, aged 45 years, resident of Kabul Ranchi Second Floor, B-1/-B Shiv Krishna Daduland, Police Station Foolbagan, District Kolkata (W.B) ... **Applicant**

**Vs.**

State of Chhattisgarh through the Police Station Kota Bilaspur

... **Respondent**

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| For the applicant  | : | Mr. Manaynath Thakur, Advocate. |
| For the Respondent | : | Mr. Anupam Dubey, Panel Lawyer. |

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**Hon'ble Shri Justice GOUTAM BHADURI**

**Order on Board**

**02.05.2016**

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 243 of 2015 registered at P.S. Kota C.G) for the offence punishable under Sections 420, 467, 468, 471 read with Section 34 of IPC.
2. As per the prosecution case, one Mohan Agrawal has lodged a complaint that he received a phone call from one D.Bhagat that he can get the loan sanctioned and thereafter certain documents were prepared and a cheque bearing No.005219 for Rs.480/- drawn on Central Bank was issued and another Cheque bearing No.252971 for Rs.9 lakhs drawn on SBI was also issued for preparation of demand draft. Subsequently with the help of heat of lighter the beneficiary's name and figures were changed, however, the same being doubted the complainant had stopped the payment of such cheque. During investigation, it was found that the applicant along-with other co-accused Suresh @ Ashok Singh has deceived

one Santram Sahu from whom an amount of Rs.8,75,000/- was received by the accused.

3. Learned counsel for the applicant submits that the applicant has been inculpated only on the basis of memorandum statement and the memorandum witness Setram Sahu has also been examined and the complainant has also been examined who has not supported the case of the applicant.
4. Per contra, learned State Counsel opposes the bail application.
5. Perused the earlier bail order wherein it was observed that applicant Sunil Kumar Agrawal was shown as D.Bhagat @ Pramod Singh, thereafter, fraud was committed as the name of beneficiary and figures written on cheques were subsequently manipulated. The earlier bail was rejected on 19.01.2016 and it also records that Sant Ram Sahu was also deceived for an amount of Rs.8,75,000/-.
6. Considering the submission made by learned counsel for the applicant, it would not be proper to adjudicate the entire facts during trial as it will amount to usurping the trial and deciding the same on merits. Considering the facts and circumstances of the case and the way in which the offence committed, I am not inclined to allow this bail application. Accordingly, it is rejected.
7. It is left open for the learned trial Court to adjudicate the facts when all the evidences are on record.

**Sd/-**  
**GOUTAM BHADURI**  
**JUDGE**