

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2270 of 2016

- Sunil Kumar Agrawal S/o Madanlal Aged About 45 Years R/o Kabul Ranchi Second Floor, B/ 1-B Shiv Krishna Daduland, Police Station Foolbagan, District Kolkata (West Bengal)

---- Petitioner

Versus

- State of Chhattisgarh through the Police Station Ratanpur, District Bilaspur Chhattisgarh

--- Respondent

For the applicant	:	Mr. Manaynath Thakur, Advocate
For the Respondent	:	Ms. Shobha Kashyap, Dy.Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.06.2016

1. This is first 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. 173 of 2015 registered at P.S. Ratanpur, Distt. Bilaspur (C.G) for the offence punishable under Sections 419 & 420 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. 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 for consideration of bail at this stage 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**