

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5944 of 2016

1. Dileshwar Deshmukh @ Deleshwar Deshmukh, S/o. Shri Baldau Ram Deshmukh, aged about 38 years, R/o. Purani Basti Kohka. Currently residing at Anandpuram, Phase-I, Block C Flat No. 404, Junwani, Kohka Road, P.S. - Supela, Bhilai, Tahsil, Civil and Revenue District – Durg (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through: the District Magistrate, Durg, Tahsil Civil and Revenue District – Durg (C.G.)

---- Respondent

For Applicant : Mr. T.K. Tiwari, Advocate

For Respondent/State : Mr. Avinash K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/11/2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.668/2014, registered at Police Station – Supela (Smriti Nagar Out Post), Bhilai, District – Durg (C.G.) for the offence punishable under Section 420 of Indian Penal Code. The first bail application was dismissed on merits vide order dated 04.07.2016 in M.Cr.C. No.2383/2016.
2. As per prosecution case, complainant, Omprakash Pal entered into an agreement with the applicant to construct the house over the land bearing Kh.No. 56/2 measuring 1170 sq.ft. and the complainant gave an amount of Rs.9,01,000/- on different dates and remaining amount of Rs.5,00,000/- was required to be given to the

applicant after completion of construction of the house. However, when the complainant went to see his house, he came to know that the applicant sold the said house to one Subhash Agarwal and thereby the aforesaid offence was committed.

3. Learned counsel for the applicant submits that the land which was sold by the present applicant is entirely different land, which is said to have been sold to Subhashchand Agrawal subsequently. The counsel referred to the certain documents, which is filed along with the bail application and prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary. The earlier bail application was dismissed on merits vide order dated 04.07.2016. Learned counsel for the applicant is unable to submit what is the change of circumstances it is happened in this case. The complainant has not yet been examined. In view of the above, no change of circumstances appears to exist to reconsider the bail application again. Taking into such fact I am not inclined to release the applicant on bail. However, the trial Court is requested to expedite the trial.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge