

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8377 of 2016

- Vinay Kumar Gupta S/o Late Krishnachandra Gupta Aged About 53 Years R/o Village- Post Loing, Police Station Chakradharnagar, District, Raigarh Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through: Station House Officer, Chakradharnagar, District, Raigarh. Chhattisgarh.

---- Respondent

For Applicant : Mr. Ajay Ayachi, Advocate

For Respondent/State : Mr. Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03-01-2017

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 26-12-2015 in connection with Crime No. 435 of 2015, registered at Police Station Chakradharnagar, District Raigarh (CG) for the offence punishable under Section 420 of the IPC. Earlier first bail application was dismissed on merit on 28-6-2016.
2. As per prosecution case, the applicant received Rs.1,40,000/- from the complainant Sulochana Mehar, who is a widow lady, to get the land partitioned, however, the same was not done and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that out of total nine witnesses, only five witnesses have been examined and remaining witnesses have not turned up and the applicant is in jail since 26-12-2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Perused the earlier bail rejection order which was dismissed on the ground of past antecedents of the present applicant.
7. Taking into consideration the facts and circumstances of the case, I do not find any change of circumstances to reconsider the instant bail application.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is also liable to be and is hereby dismissed. However, the trial Court is directed to expedite the trial within further period of four months from the date of receipt of a copy of this order.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju