

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 390 of 2017

- Trishul Kushwaha S/o Shivilal Kushwaha, Aged About 26 Years R/o Silfili, Police Station Jainagar, District Surajpur, Chhattisgarh. ---
Petitioner

Versus

- State of Chhattisgarh Through Station House Officer Khadgawa, District Koriya, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Sakti Raj Sinha, Advocate
For the Respondent	:	Mr. Anupam Dubey, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.02.2017

1. This is 2nd 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. 142/2016 registered at P.S. Khadgawa Distt. Koriya .(C.G) for the offence punishable under Sections 309, 419, 420, 494 of IPC.
2. As per the prosecution case, the applicant personified himself to be Rahul Singh and married one Laxmi Singh. Subsequently, he met Gurdoyal Singh and received an amount of Rs.70,000/- from him to provide job in colliery thereby the offence has been committed.
3. Learned counsel for the applicant would submit that this is second bail petition, the earlier bail petition was dismissed as withdrawn on 13.12.2016 with liberty to file afresh after payment of Rs.70,000/- and thereafter the amount has been deposited by way of Demand Drafts. Copy of the demand draft is enclosed alongwith the bail application. He further submits that the charge sheet has been filed and the

applicant is in jail since 27.09.2016, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the document showing the payment of amount by the applicant.
6. Considering the facts and circumstances of the case especially the fact that the amount has been paid back by the applicant; charge sheet has been filed and the applicant is in jail since 27.09.2016 I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**