

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 492 of 2017

- Mahendra Banjare S/o Amar Das Banjare, Aged About 40 Years R/o Village- Garra, Police Station- Bemetara, District- Bemetara Chhattisgrh .
--- **Applicant**

Vs

- State of Chhattisgarh through Station House Officer, Khamariya, District- Bemetara Chhattisgarh .
--- **Respondent**

For the applicant	:	Mr. Ajay Ayachi, Advocate
For the Respondent	:	Mr. Neeraj Jain, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.03.2017

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. 91/2015 registered at Police Station Khamariya, Distt. Bemetara (C.G) for the offence punishable under Sections 420 & 120-B IPC.
2. As per the prosecution case, the applicant and other accused persons cheated the complainant Mohan Kumar Jaiswal and obtained Rs.14 lakhs from him on the ground that the money will be tripled and further Rs.5 lakhs was also obtained from another complainant Dharmendra. Subsequently, it was found that the applicant has committed an offence of cheating.
3. Learned counsel for the applicant would submit that the first bail application was dismissed on 15.12.2015; thereafter a compromise has been effected between the parties and applicant has returned the entire amount. He further submits that the applicant is in jail since 02.07.2015; the

charge sheet has been filed and in view of the subsequent developments, therefore, he may be enlarged on bail.

4. On earlier occasion, the learned State Counsel was directed to verify the authenticity of compromise which is alleged to have taken place. On verification, he submits that the report has been filed wherein it is stated that the complainant has entered into compromise with the applicant and others. Therefore, he is unable to dispute the fact that compromise has been effected.
 5. Considering the facts and circumstances of the case and taking into further developments of the case and also looking to the period of detention as the applicant is stated to be in jail since 02.07.2015, I am inclined to release the applicant at this stage.
 6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on 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 for his appearance before the said Court as and when directed.
- C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE