

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 679 of 2017

- Raju @ Rajendra Singh Bhadauriya S/o Pyare Singh
Bhadauriya Aged About 23 Years R/o Village- Goapurvi, Police
Station- Prithvipur, Civil & Revenue District- Tikamgarh,
Madhya Pradesh. --- **Applicant**

Versus

- State of Chhattisgarh through Station House Officer, Out
Post- Morga, Police Station- Bango, District- Korba,
Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Dharmesh Shrivastava, Advocate
For the Respondent	:	Mr. Ashish Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

21.03.2017

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. 104/2016 registered at Police Station Bango, Outpost Morga, Distt. Korba (C.G) for the offence punishable under Sections 420, 34 of IPC.
2. As per the prosecution case, the applicant along-with other accused called the complainant Neeraj Agrawal by mobile and informed him that he has won the prizes of one motorbike and Rs.2,50,000/- from idea Company and r he was advised to deposit some money in certain account numbers. Thereafter the complainant deposited Rs.2,14,200/- and the amounts were withdrawn by the applicant and other accused, thereby the offence has been committed.
3. Learned counsel for the applicant would submit that this is

second bail application; the first bail application was dismissed as withdrawn with liberty to repeat the same after the charge sheet is filed. Learned counsel for the applicant would submit that now the charge sheet has been filed and the applicant is in jail since 09.11.2016 and no other case of similar nature is pending against him. It is further submitted that the compromise has also been entered with the complainant, therefore, he may be enlarged on bail.

4. Learned State Counsel has been directed to verify as to whether any case of similar nature was registered against the applicant. Till date the State is not able to make any submission.
5. Perused the case diary documents and the order sheets of the court below. It appears that though the compromise application has been filed before the court below but it was not entertained. Learned State Counsel is not able to state whether any case of similar nature was registered against the applicant. Therefore, taking into totality of the facts and circumstances of the case especially the fact that the charge sheet has been filed and the applicant is in jail since 09.11.2016, I am inclined to allow this bail application.
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