

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1466 of 2017

Mohd. Taha Ansari, S/o. Late Mohd. Yaseen, Aged About 65 Years, R/o. Village -Aara -Balrampur, Post Aara- Balrampur, Police Out Post- Bariyo, Police Station & Tahsil -Rajpur, District -Balrampur, Civil and Revenue District- Sarguja, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The Station House In-charge, Police Station- Kamleshwarpur, District- Sarguja, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sandeep Shrivastava, Advocate
For Respondent/State	: Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/03/2017

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.45/2015, registered at Police Station – Kamleshwarpur, District – Sarguja (C.G.) for the offence punishable under Section 420, 467, 468, 471/34 of the Indian Penal Code. The first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet vide order dated 08.12.2016.
2. As per the prosecution case, the applicant was the President of Rajmohani Samaj Sewi Sanstha and certain cheques were issued by the Chief Executive Officer, Janpad Panchayat Mainpat of Rs.50,000/- in favour of the society, which were interpolated and made it to Rs.4,50,000/- and Rs.3,50,000/- and were deposited in the account and the amount was withdrawn by the present applicant along with other co-accused.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 The first bail application was dismissed as withdrawn with liberty to repeat the same after filing of the charge-sheet and now the charge-sheet has been filed. It is further submitted that the applicant has been falsely implicated in this case and he is in jail since 23.10.2016 and no further investigation is necessary, therefore, 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 and the documents. Considering the facts and circumstances of the case, the nature of evidence, which appears to be documentary in nature and further considering the fact that charge-sheet in this case has been filed and the applicant is in jail since 23.10.2016 and no further investigation is required, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge