

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1966 of 2017

Akhilesh Kumar Tiwari, S/o. Late N.K. Tiwari, Aged About 38 Years, R/o. Jr. M.I.G.-436, H, Sector 1, D.D. Nagar, Raipur, District Raipur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Office, Police Station-
Purani Basti, Raipur, Chhattisgarh

---- Respondent

For Applicant : Mr. Uttam Pandey, Advocate.

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.04.2017

1. This is the 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 in connection with Crime No.154/2016 registered at Police Station- Purani Basti, Raipur (C.G.) for the offence punishable under Section 420, 120(B) of Indian Penal Code. The first bail application was dismissed on merit on 22.09.2016 in MCRC No.4923/2016.
2. As per the prosecution case, the applicant has floated a *Bisi* whereby Rs.1000/- was being collected from different persons for 10 months with an assurance that Rs.12,000/- would be paid after 12 months. Consequently, the amounts were collected from different persons on the different groups which reached to Rs.8,50,000/- and eventually the amount was not paid; thereby the offence is committed.
3. Learned counsel for the applicant submits that three witnesses have been examined and they have not stated anything against the

present applicant and the main allegations have been attributed to one Haldhar Rao who had collected the amount; therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and he would submit that eight witnesses are enlisted in this case, out of which only three witnesses have been examined.
5. Considering the facts and evaluating the statement of the witnesses for the second bail is not justified, as it would amount evaluating the statements on merit. The earlier bail application was dismissed on merit and only eight witnesses have been enlisted, out of which three witnesses have already been examined, therefore, I do not find any change of circumstances to reconsider the instant second bail application.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Ashok

Sd/-
(Goutam Bhaduri)
Judge