

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1948 of 2017

Suresh Gupta, S/o. Shri Kewal Gupta, Aged About 46 Years, R/o. Village
Lara, Police Station & Tahsil Pusaur, District Raigarh, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through District Magistrate, Raigarh, District
Raigarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Chandresh Shrivastava, Advocate.

For Respondent : Mr. Sameer Behar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.04.2017

1. This is the third 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.543/2016 registered at Police Station- City Kotwali, District Raigarh (C.G.) for the offence punishable under Section 420, 467, 468, 471 120-B of Indian Penal Code. The first bail application was dismissed on 21.12.2016 on merit and second bail application was dismissed as withdrawn on 09.11.2016.
2. As per the prosecution case, a report was made by one Arjun Singh that the complainant through the applicant who is land broker agreed to purchase land at village Kathani bearing khasra No.254, 660/4 admeasuring 0.166 hectare and 0.279 hectare total 1 acre 09 decimal. Registry was made through document writer Suresh Prasad Bahidar and thereafter it was found that the said deal was made through the applicant and subsequently it was found that the land was not at all existing. Subsequently, when demarcation and

mutation proceeding were carried out it was found that land was not existing.

3. Learned counsel for the applicant submits that the other co-accused have been enlarged on bail and the applicant is in jail since 16.09.2016, therefore, considering the period of detention, the applicant may be released on bail. He further submits that the applicant is suffering from ailment and therefore he referred to Raipur for treatment.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the documents. No document has been filed to show the illness of the applicant. The first bail application of the applicant was dismissed predominantly on the ground that he has received the amount. Considering the same, I do not find any change of circumstances to reconsider the instant third bail application.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Ashok

Sd/-
(Goutam Bhaduri)
Judge