

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1919 of 2017

Sanjay Ghosh @ Munmun, S/o. Late Shri Priya Lal Ghosh, Aged About 34 Years, Caste Yadav, R/o. Amanala, Godripara, Chirmiri, Police Station Chirmiri, Tahsil Khadgawa, District Koriya, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station-Chirmiri, District Koriya, Chhattisgarh.

---- Respondent

For Applicant : Mr. R.K.Bhagat, Advocate

For Respondent : Mr. O.P.Sahu, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11.04.2017

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.318/2016 registered at Police Station- Chirmiri, District Koriya (C.G.) for the offence punishable under Section 420, 467, 468, 471, 506 Part-II of Indian Penal Code and Section 4 of the Riniyon Ka Sanrakshan Adhiniyam, 1937 and Section 3(2)(v)(v-a) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989. The first bail application was decided on 27.02.2017 in MCRC No.829 of 2017.
2. Case of the prosecution, in brief, is that a report was made by one Jagarnath alleging that he obtained a loan of Rs.1.00 Lakh with interest from the applicant, however, Rs.1,75,000/- was returned and during such transaction a blank cheque was also given by which the applicant further withdrew an amount of Rs.3,50,000/- from his account. Thereby the offence has been committed.
3. Learned counsel for the applicant submits that this is the second bail application, the first bail application was decided on

27.02.2017 wherein the offence under Section 420 of Indian Penal Code and Section 4 of the Riniyon Ka Sanrakshan Adhiniyam, 1937 was registered wherein this Court has enlarged the applicant on bail. Subsequently, the charge has been framed under Section 467, 468, 471, 506 Part-II of Indian Penal Code and Section 3(2)(v)(v-a) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989. He further submits now the charges under the Crime No.318 of 2016 are under Sections 420, 467, 468, 471, 506 Part-II and Section 4 of the Riniyon Ka Sanrakshan Adhiniyam, 1937 and Section 3(2)(v)(v-a) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989. He would further submit that the applicant was already enlarged on bail and there is no tempering of evidence, the charge sheet has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the facts & circumstances of the case and further taking into fact that earlier the applicant was enlarged on bail on 27.02.2017 in MCRC No. 829 of 2017 and the charge sheet has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge