

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2147 of 2017

Padam Das Sonwani S/o Late Tamdas Sonwani, Aged About 46
Years R/o Aamadaand, O.P. Ramnagar, Police Station- Bijuri, Tahsil
Kotma, Civil & Revenue District- Anuppur, Madhya- Pradesh.

---- Applicant

Versus

State Of Chhattisgarh Through: Police Station Manendragarh,
District- Koriya, Chhattisgarh

---- Respondent

For applicant - Shri Adil Minhaj, Advocate.
For Respondent/State –Shri Vivek Singhal, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/04/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed as withdrawn on 7/03/2017 vide M.Cr.C. No.1232/2017 with liberty to repeat the same after filing of the charge sheet.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.323/2016 registered in Police Station Manendragarh, District Koriya (C.G.) for offence punishable under sections 420, 467, 468, 471, 120-B, 34 of Indian Penal Code.
3. As per the prosecution case, complaint was lodged by complainant Chhotelal that he had purchased two policies in the year 2008 and paying regular premium of that. In the month of August, 2015 it is alleged that the applicant on the basis of forged seal and signature got policy surrendered and thereafter cheque was issued in the name of Chhotelal and further got amount transferred in the name of the other co-accused. Thereby offence has been committed.
4. Learned counsel for the applicant submits that the incident was of

2015 and from the day one the applicant has given his seal and signature to show that he has not committed forgery and further *mens rea* would be apparent if the applicant himself would have committed the offence by cheating he would not have used his seal and signature. He further submits that charge sheet has been filed, no further investigation would be necessary, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail.

6. Perused the case diary and the documents. Considering the facts and circumstances of the case, nature of evidence appears to be documentary in nature and also for the fact that charge sheet has been filed, no further investigation would be necessary, therefore this court is inclined to release the applicant on bail.

7. Accordingly, the second bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE