

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2255 of 2017

- Om Prakash Vishwakarama S/o Shri Jamuna Prasad Vishwakarma, Aged About 46 Years Caste Lohar, R/o Ward No. 13, New Rajnagar Siding Police Station Ramnagar, Tahsil Kotma, District Anuppur, Madhya Pradesh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Manendragarh, District Korea, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Vinod Kumar Tekam, Advocate

For Respondent/State : Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26-4-2017

1. This is 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 on 7-1-2017 in connection with Crime No. 323 of 2016, registered at Police Station Manendragarh, District Korea (CG) for the offence punishable under Sections 420, 467, 468, 471, 120-B, 34 of the IPC.
2. As per 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 along with other co-accused 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 other co-accused and thereby the aforesaid offence has been committed.
3. Learned counsel appearing for the applicant would submit that this is second bail application and earlier first bail application was dismissed as withdrawn on 7-3-2017 with liberty to repeat the same after filing of the charge-sheet. He would further submit that now the charge-sheet has been

filed and the applicant has been inculpated only on the memorandum statement of other co-accused Manoj Kumar and no allegation is attributed to the present applicant. He would further submit that charge-sheet has been filed, the applicant is in jail since 7-1-2017 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. From perusal of the documents, it appears that the applicant has been inculpated only on the memorandum statement of other co-accused Manoj Kumar.
7. Considering the facts and circumstances of the case, nature of evidence appears to be documentary in nature that additional charge-sheet was filed and also the fact that the applicant is in jail since 7-1-2017 and no further investigation is necessary, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju