

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2651 of 2017

- Sawan Das Manikpuri S/o Shri Sagar Das, Aged About 22 Years
R/o Village Mangala Dhuripara, Police Station Civil Line, Bilaspur,
Civil & Revenue District Bilaspur, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Tarbahar, Bilaspur,
District Bilaspur, Chhattisgarh.

– **Respondent.**

For Applicant : Mr. Manoj Kumar Sinha, Advocate

For Respondent/State : Mrs. M. Asha, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27-4-2017

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 5-4-2016 in connection with Crime No. 75 of 2016, registered at Police Station Tarbahar, Bilaspur, District Bilaspur (CG) for the offence punishable under Section 379 of the IPC.
2. As per prosecution case, a report was made by victim/complainant Atul Sharma on 10-3-2016 that he came from Raipur to Bilaspur, stayed in a hotel, wanted to go to Chaitma and took a taxi of the applicant who was known to him. Then he went to Chaitma and when he came back while he alighted to purchase ticket, at that time the applicant fled away with the taxi and goods wherein Rs.3,50,000/- was kept which was meant for admission of the son

of the complainant and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that this is second bail application and earlier first bail application was dismissed on merits on 6-9-2016. He would further submit that the complainant Atul Sharma has been examined in this case and the appellant is in jail since 5-4-2016 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. Perused the statement of the victim/complaint Atul Sharma (PW/3) wherein positive allegations have been attributed to the present applicant.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the victim/complainant Atul Sharma (PW/3), I do not find any change of circumstances to reconsider the second bail petition.
8. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is also liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju