

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2898 of 2017**

Rashid Ladle Sahab Momin S/o Yashim Ladle Sahab Momin, Aged About 47 Years R/o Housse No., 19, Jahangir Milkawali Colony, Behind Commissioner Office Shahi Bag, Ahmedabad (Wrongly Mentioned As Ahmabad) Gujrat,

---- Applicant

Versus

State Of Chhattisgarh Through : The Police Station, City Kotwali, Raipur, Chhattisgarh.

---- Respondent

For applicant - Shri N. Naha Roy, Advocate.

For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****7/07/2017**

1. This is second bail application under Section 439 of Cr.P.C. The first bail application was dismissed on 6/12/2016 vide M.Cr.C. No. 6463/2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No. 238/2016 registered in Police Station City Kotwali, Raipur (CG) for offence punishable under sections 420, 467, 468, 471 and 511 of Indian Penal Code.
3. As per the prosecution case, a report was made by Nagendra Tiwari of Ashutosh Engineering Industries that he is having an Account in SBI Commercial Branch have received a phone call from the bank that they have issued a cheque of Rs.99,99,800/- in favour of one Vijay Bhai, which was denied. Subsequently, a report was made and it was revealed that the said cheque was deposited at Ahmadabad and the present applicant has handed over the cheque which was forged.
4. Learned counsel for the applicant submits that earlier rejection was

based on statement of Tusar Joshi, he was examined and he has not stated anything against the applicant, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail and referred to the statement of Raju Bhai.

6. At this stage, evaluating entire statement of the witness would amount to holding trial while hearing bail. Considering the case and it is for the trial court to adjudicate entire facts after all the evidence are placed before it. Taking into such fact, I do not find any change of circumstances to give a finding of innocence at this stage by only considering statement of Tusar Joshi, therefore this court is not inclined to entertain this second bail application.

7. Accordingly, the second bail application is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE