

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3320 of 2017

- Khataram Verma S/o Thanuram Verma Aged About 49 Years R/o Village Pavantara Police Station Khairagarh, Tahsil Khairagarh, District- Rajnandgaon Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through: District- Magistrate Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Arvind Dubey, Advocate

For Respondent/State : Mr. S.K. Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08-05-2017

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 25-7-2016 in connection with Crime No. 334 of 2016, registered at Police Station Mohan Nagar, District Durg (CG) for the offence punishable under Sections 420, 34 and 170 of IPC.
2. As per the prosecution case, the applicant along-with other accused namely Abhilash, Prafull Meshram and Deen Dayal in order to provide job to Hemant Kumar as Police obtained an amount of Rs.1,62,000/- from the complainant Lalit Kumar and in the like nature from other complainants also the applicant and other accused have received an amount of Rs.17,28,000/-. It is also alleged that coaccused Prafull

Meshram was introduced as police inspector and by such false personification, the amount was collected thereby the offence has been committed.

3. Learned counsel appearing for the applicant would submit that this is second bail petition and earlier first bail petition was dismissed on merits on 6-10-2016. He would further submit that out of total 15 witnesses, eight witnesses have been examined in this case and no one has stated against the present applicant. It is further submitted that the challan has been filed; applicant is in jail since 25-7.2016 and the trial is being protracted, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents annexed to the bail application.
6. Considering the facts and circumstances of the case, I do not find any change of circumstances to reconsider the repeat bail petition by evaluating the statements of witnesses as it would amount to usurping the power of trial Court. In view of this I am not inclined to allow this bail application.
7. Accordingly, second bail petition is also liable to be and is hereby rejected. However, the trial Court is requested to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge

Raju

