

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5554 of 2017

Yogesh Mahadevpuri S/o Mahadevpuri Aged About 36 Years R/o
Village Neneshwaranger, Manewada Police Station Anajni District
Nagpur (Maharashtra)

---- Applicant

Versus

State Of Chhattisgarh Through Station In- Charge, Police Station
Gandhi Nagar Ambikapur, District Ambikapur, Chhattisgarh.

---- Respondent

For applicant - Shri Deven Chauhan, Advocate with Shri Akhilesh
Kumar and Shri Aniket Dabadghao, Advocates.
For Respondent/State –Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

11/09/2017

1. This is second bail application under Section 439 of Cr.P.C. The earlier bail application was dismissed on 9/08/2016 vide M.Cr.C. No.4417 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.88/2016 registered in Police Station Gandhi Nagar (Ambikapur) for offence punishable under section 420 read with Section 34 of Indian Penal Code.
3. As per the prosecution case, the applicant who is the Director of the Company namely Steadfast Infra Pro. Ltd. opened a branch at Ambikapur and collected money from different persons in order to return the same with a high interest value and all of a sudden in the year 2015, the office closed at Ambikapur and money was not returned, thereafter, on the report made by Ratan Mandal, the offence has been registered against the applicant.
4. Learned counsel for the applicant submits that thereafter the

applicant filed SLP before the Hon'ble Supreme Court wherein liberty was given to the applicant to repeat the bail application after expiry of three months and it was also observed that High Court shall take into consideration the period of custody and may pass appropriate orders. It is submitted that till date only 4 witnesses have been examined out of 17 enlisted witnesses. He would further submit that all efforts are being made to generate the money to repay back as money was invested in land therefore money could not be paid back and the applicant is in jail since 14/04/2016, therefore the applicant may be released on bail.

5. Learned State counsel opposes the prayer for grant of bail, however it is not disputed that only 4 witnesses have been examined out of 17 enlisted witnesses.

6. Perused the order of the Supreme Court dated 19/04/2017 wherein liberty was given to the applicant to repeat the bail application after expiry of three months and it was also observed that if such application is moved period of custody may be taken into consideration. Considering the facts of this case that the applicant is in jail since 14/04/2016, liberty was given to the applicant to repeat the bail application after expiry of three months and also considering the fact that only 4 witnesses have been examined out of 17 enlisted witnesses, 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

