

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7191 of 2017

Prakash Kumar Ojha, S/o. Vijay Kumar Ojha, Aged About 24 Years, R/o.
Village Nimej, Police Station Bramhapur, District Baksar (Bihar).

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station
Kotwali, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Ms. Fouzia Mirza, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07.12.2017

1. This is the 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 in connection with Crime No.238/2016 registered at Police Station- Kotwali, Raipur, District Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 511, 120-B, 34 of Indian Penal Code. The first bail application was dismissed for want of prosecution on 24.01.2017 in MCRC No.133 of 2017.
2. As per the prosecution case, a report was made by Nagendra Tiwari who was working as Manager in M/s. Ashutosh Engineering Industries that they were having account in State Bank of India, Commercial Branch, Raipur. They have received a phone call from the said 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 found that the said cheque was presented for clearance in the State Bank of India, Branch Limbdi,

Ahmadabad, Gujrat. It was also reported that prior to that, other forged cheques i.e, cheque No.093459 dated 16-8-2016 of Rs.3,78,957 which was in the name of Jasvinder was presented for payment in Sonpath Branch, Haryana which was denied due to objection raised by the Bank Manager, likewise, cheque No.093397 dated 12-8-2015 of Rs.2,00,000/- in the name of Laichunzali, Mizoram and cheque No.093399 dated 12-8-2016 of Rs.2,00,000/- in the name of Maloawmthungi, Aizwal, were also presented for payment. Due to objection raised by the Bank Manager, the same were also denied. On investigation, it was revealed that present applicant along with other co-accused persons tried to encash the cheques by depositing the same by clearance and thereby the aforesaid offence was committed.

3. Learned counsel for the applicant would submit that this is the second bail application, first bail application was dismissed for want of prosecution on 24.01.2017 and thereafter one Santosh Chaudhari has been granted bail by this Court on the ground that the prosecution had moved an application under Section 311 of Cr.P.C. to examine the new witnesses again and the list of witnesses were given numbering into 16, therefore, such process may take further time. She further submits that the present applicant is in jail since 16.10.2016 and the case of the present applicant is similar to that applicant Santosh Chaudhari, who has been granted bail; therefore, the present applicant may also be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he do not dispute the fact that the case of the present applicant is similar to that of the other co-accused who has been enlarged on bail by this Court on the ground that an

application under Section 311 of Cr.P.C. was allowed whereby 16 more additional witnesses are allowed to be examined.

5. Perused the case diary and the documents. Considering the facts and circumstances of the case and taking into fact that the similarly placed co-accused has already been enlarged on bail, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge