

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1436 of 2018**

- Avinash Kumar Alias Guddu Alias Ajay Pandit S/o Shri Ram Sharan Prasad Aged About 27 Years R/o- Village- Maghra, P.S. Deep Nagar, District- Nalanda, Bihar

---- Applicant

**Versus**

- State of Chhattisgarh Through- District Magistrate, Mahasamund, Chhattisgarh

---- Respondent

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| For Applicant        | : | Shri P.R. Patankar, Advocate              |
| For Respondent-State | : | Shri Adhiraj Surana, Dy. GA for the State |

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**Hon'ble Shri Justice Goutam Bhaduri****Order On Board****22/02/2018**

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 on 21.07.2017 in connection with Crime No. 219/2017 registered at Police Station Saraipali, Distt. Mahasamund (CG) for the offence punishable under Sections 467, 468, 471, 120B/34 of the I.P.C. and Sections 66 (C) & 66 (D) of the Information Technology Act.
2. The First Bail Application bearing M.Cr.C. No. 7365 of 2017 was dismissed on 14.12.2017.
3. Learned counsel for the applicant would submit that during the pendency of this case the amount of Rs.9,85,000/- has been received by the complainant Sanjay Kumar Agrawal, which would be evident from the statement of Sanjay Kumar Agrawal (PW1) and Deepak Agrawal (PW2). He would

further submit that there is no chance of tampering of evidence as some monetary transaction exists, therefore, the applicant may be released on bail.

4. Learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute about the fact that the amount of Rs.9,85,000/- which was alleged to have been taken from the complainant Sanjay Kumar Agrawal, has now been paid to him.
5. In view of the fact that the amount has been received by the complainant and also considering the fact that the applicant is in jail since 21.07.2017, I am inclined to release the applicant on bail.
6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

SD/-

Goutam Bhaduri

Judge

Ashu