

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2578 of 2018**

Shiv Kumar Deshmukh S/o Late Ratanlal Deshmukh Aged About 60 Years
R/o- Somni Thana Utai Tehsil Patan District- Durg, Chhattisgarh., District :
Durg, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For the Applicant : Shri Avinash Chand Sahu, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****17.05.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application of the applicant was dismissed on merits by the Co-ordinate Bench of this Court in M.Cr.C. No. 3641 of 2017 dated 22.6.2017 on the ground that the applicant has not made any repayment of the amount defalcated by him to the complainant. The applicant has been arrested in connection with Crime No.5 of 2017, registered at Police Station – Kumhari, District Balod, Chhattisgarh for the offence punishable under Sections 420, 467, 468 and 471 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 5.1.2017 and has been falsely implicated in this case. It is submitted that at present the trial against the applicant is still pending and as the

applicant is continuously in detention he is unable to make any payment to the complainant. Hence, for these reasons, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. The allegation against the applicant is that he had stolen the cheque of complainant – Munna Lal Yadav and made use to withdraw Rs.1,35,000/- from Bank by forged signature of the account holder. When it came to the knowledge of the complainant, on his enquiry, this applicant admitted the same and he also executed a written *ikrarnama* about the withdrawal of the money and promised to refund the complainant and subsequently, the FIR was lodged.

6. Considering the fact that subsequent to earlier rejection of the application for grant of bail, no progress has taken place in the trial and also the reason that the applicant has not repaid the amount to the complainant finds justification from the fact that the applicant is continuously in detention because of which, he is unable to do so, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the 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/-

(Rajendra Chandra Singh Samant)
Judge