

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3201 of 2018**

Vinod Kumar Prasad son of Shri Devsharan Prasad, aged about 43 years, R/o Flat No.2, Block No.4, Chouhan Town, Junwani, Durg, P.S. Smriti Nagar, District Durg, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station- Gol Bazar, Raipur, District- Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Kishore Bhaduri and Shri Pawan Kesharwani, Advocates.
For the Respondent/State	:	Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.10.2018**

Heard.

1. This is the second bail application of the applicant. The first bail application has been rejected on merits in M.Cr.C. No.98 of 2018 vide order dated 19.3.2018. The applicant has been arrested in connection with Crime No.301 of 2017, registered at Police Station – Gol Bazar, District Raipur, Chhattisgarh for the offence punishable under Section 420/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 4.9.2017 and the trial has made some progress. Some of the witnesses have been examined and they have not made any statement against the applicant and the lodger of FIR has entered into a compromise

with the applicant which is reflected from the statement given by him before the Court. Hence, it is a change in circumstance and also for the reason of delay in conclusion of trial, 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. It is submitted that the earlier application has been rejected on merits and subsequently no such change has taken place on the basis of which, the applicant can make a prayer for grant of bail. Hence, no case is made out for grant of regular bail to the applicant.

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

5. There is no need to go into the merits of the case. Perused the certified copy of the deposition of the witnesses attached alongwith the application. It is not so that all the witnesses have not made any statement against the applicant, but some of the witnesses have given evidence in support of the prosecution case against the applicant. Credibility of their statements shall be determined by the trial Court at the stage of judgment.

6. Although the complainant/ lodger of FIR – Sandeep Sahu has made a statement that he has entered into a compromise with the applicant but he alone is not the person who is alleged to have been cheated in this case. There are number of other persons who claimed and have made statements that they have been cheated by this applicant and some of these also deposed against the applicant. Hence, in such circumstances, I do not find

any specific change in the circumstance except that some time has passed since the rejection of the earlier application. Hence, I do not feel inclined to grant regular bail to the applicant.

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

Sd/-

(Rajendra Chandra Singh Samant)
Judge