

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4861 of 2018**

- Manoj Nagdeve S/o Shri Ramji Nagdeve Aged About 26 Years R/o Atal Awas, Block- 12, Pandrey, Rajnandgaon, Tahsil And District- Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through- Police Station-Basantpur, District- Rajnandgaon, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Aditya Bhardwaj, Advocate

For Non-applicant : Shri Dheeraj Wankhede, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.07.2018**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier while dealing with the first bail application the Case Diary provided by the learned counsel for the State in connection with crime No. 104/2018 registered at Police Station – Basantpur, District – Rajnandgaon (C.G.) for the offence punishable under Sections 392, 411, 34 of the Indian Penal Code.
3. Prosecution story in brief is that on 12-3-2018 at 9 pm complainant Anand Tejawani was returning back with sale amount of Rs. 6,50,000/- in a scooty. When he reached near Lalbagh, three persons came from behind in a motorcycle, beat the complainant and snatched Rs. 6,50,000/- from him and fled away. At the instance of memorandum

of the applicant, Rs. 1 lac was seized from him.

4. Learned counsel for the applicant argued that after rejection of the first bail application charge-sheet has been filed. It is new circumstance. Smt. Hembai has filed an affidavit that the cash which is seized from the applicant had been given by her to him for keeping and later she would take back the same from him. The applicant is innocent and falsely implicated, hence he be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Earlier, the first bail application of the applicant has been rejected by this Court on 09.05.2018 in MCRC No. 2675 of 2018 considering the merits of the case. Mere filing of the charge-sheet itself is not sufficient ground to grant bail to the applicant. There is no new circumstance which may entitle the applicant to get the regular bail in second round.

7. Accordingly, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant.

8. Consequently, the present bail application is rejected.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE