

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6022 of 2018**

Rajkumar Sahu Budhram Sahu Aged About 36 Years R/o- 56, Minus
Purana Bazaar Para, Kathona, P.S. Patna, District- Korea,
Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Police Station-
Patna, Civil And Revenue District- Koriya, Chhattisgarh., District :
Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Praveen Das, Advocate
For the State	:	Shri Neeraj Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**13/11/2018**

1. This is the second bail application under Section 439 of the CrPC. First bail application was rejected on merits by co-ordinate Bench of this High Court on 13/11/2017.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. No. 134/2016 registered at Police Station, Patna, District Korea (CG) for the offence punishable under Sections 420 read with 34 of IPC and Section 10 of Chhattisgarh Ke Nikshepako Ke Hito Ka Sanrakshan Adhinyam, 2005.
3. Case of the prosecution, in brief is that the applicant had collected Rs. 12,00,000/- from complainant Diwan Singh for depositing the same with Sai Prasad Property Limited on the assurance that the amount would be doubled within eight years. However, the said promise has not been fulfilled by the Company as well as by the complainant.
4. Counsel for the applicant submits that he is in jail for more than one year and nine months. After rejection of the first bail application he has been discharged from Section 10 of Chhattisgarh Ke Nikshepako Ke Hito Ka Sanrakshan Adhinyam, 2005. The allegation against him is under Section 420/34 of IPC. There is sufficient change of circumstances, therefore, he may be released on bail in second round. He drew my attention vide order dated 27/04/2018 in MCRC No. 2625 of 2018 and MCRC No. 2635 of 2018 decided by co-ordinate Bench of this High Court.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Merely being discharged from Section 10 of Chhattisgarh Ke Nikshepako Ke Hito Ka Sanrakshan Adhiniyam, 2005 is not such change of circumstance which entitled him to get the benefit of Section 439 of CrPC in second round.
7. Looking to the facts and circumstances of the case, this Court finds that there is no such change of circumstance which may entitled him to get the benefit of Section 439 of CrPC. Thus, his second bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde