

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 834 of 2019**

Mohd. Sameer Khan @ Amit Soni S/o Saleem Khan, aged about 30 years, R/o Khapri, Police Station Rajim, District Gariyaband (CG). **---- Applicant**

Versus

State of Chhattisgarh, through District Magistrate, Durg, District Durg (CG).

---- Non-applicant

For Applicant	: Mr. T.K. Jha, Advocate
For Non-applicant	: Mr. Vikram Dixit, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

18.02.2019

1. This is the second bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.117/2018 registered at Police Station Dhamdha, District Durg for the offence punishable under Sections 420, 384, 120-B of Indian Penal Code.
2. The first bail application of the applicant was rejected on merits by the order of this Court dated 24.10.2018 passed in M.Cr.C. No.6883 of 2018 considering the material available on record.
3. Prosecution story in brief is that complainant Bhushan Sahu is resident of village Rajpur. Applicant and co-accused persons Badshah Khan, Madar Khan, Raju Khan and Chhote Miyan obtained from him Rs.20 lacs promising that they will provide job to his daughter, his sister and his son-in-law in Railway department. Thereafter they convinced the complainant that in his house, wealth is buried and again obtained from him Rs.85 lacs.
4. Counsel for the applicant submitted that the applicant is an innocent and has been falsely implicated in the case. He further submitted that the applicant's wife is disable, he has two small children and applicant is not producing before the trial Court from the jail hence he may be released on bail.
5. Counsel for the State opposed the bail application.
6. If the applicant is not producing before the trial Court from the jail then the applicant may raise this question before the trial Court and in turn the trial Court may consider this aspect.
7. Looking to the above mentioned facts and circumstances of the case and looking to this fact that there is no such change in the circumstances of the case on the strength of which the applicant is entitled to get the benefits of Section 439 of CrPC. Consequently, the second bail application of the applicant is rejected.
8. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE