

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 898 of 2019**

- Chitrakant Baghel (Wrongly Mentioned As Chetrakant) S/o Shri Gurudev Kumar Baghel Aged About 32 Years R/o House No.51, Arjun Valley, Saddu, Raipur, Tahsil & District Raipur Chhattisgarh.

**---- Applicant**

**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station-Pandri, Raipur, District-Raipur Chhattisgarh.

**---- Respondent**

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| For Applicant  | : | Mr. B.P. Sharma, Mr. M.L. Sakat & Mr. Hari Agrawal, Advocates. |
| For Respondent | : | Mr. I. Lakra, Dy. Govt. Advocate.                              |
| For Objector   | : | Mr. Sanjay Agrawal, Advocate.                                  |

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

**Order On Board**

**05/04/2019**

1. This is 3<sup>rd</sup> bail application of the applicant under Section 439 of the Code of Criminal Procedure, 1973. His first application bearing MCRC No.4718/2018 was dismissed as withdrawn vide order dated 24.7.2018. Second bail application bearing in MCRC No.6580/2018 was dismissed vide order dated 10.10.2018.
2. This bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.198/2018 registered at Police Station– Pandari, District–Raipur(C.G.) for the offence punishable

under Sections 420, 409, 467, 468, 471/34 of IPC.

3. It is submitted by the learned counsel for applicant that applicant has been falsely implicated in this case. The applicant is in jail since 18.5.2018 and charge-sheet has already been filed after completion of investigation. The applicant has been falsely implicated for the reason that he himself established a new business in the name & style of 'Atharva Construction Company', therefore, expecting rivalry from the applicant, he has been implicated by the complainant by lodging a false FIR. Co-accused person in this case have been granted regular bail. The applicant himself had made a transaction of Rs.4 lakhs by transferring it from his bank account to the company of the complainant. From the statement of Deepak Acharya, Chartered Accountant and Sangeeta Tiwari, it is clear that no case is made out against the applicant. Hence, the applicant be granted regular bail.
4. Learned State counsel opposes the application and submissions made in this respect. It is submitted that applications for grant of regular bail have already been rejected earlier by this Court on merits, therefore, no case is made out for grant of regular bail, hence, his application be rejected.
5. Learned counsel for the Objector after adopting arguments advanced by State counsel submitted that the applicant had defalcated an amount of Rs.2 crores by making illegal withdrawals through cheques. The applicant has forged statements and concealed facts, which is another offence for which he has to explain. Co-accused who has been granted bail, had a different case.
6. In reply, the counsel for applicant submits that initially FIR was lodged about defalcation of Rs.35 lakhs whereas charge-sheet shows

defalcation of crores of rupees, which shows concoction of case. Applicant is in jail since 18.5.2018, therefore, the application be allowed.

7. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
8. This Court vide order dated 10.10.2018 passed in earlier bail application filed by applicant i.e. M.Cr.C. No.6580/18, observed that Rs.1,07,12,046/-, has been fraudulently withdrawn by the applicant from the account of D.S. Construction Company by making withdrawals through forged cheques.
9. After perusing the case diary, I feel that no change in circumstances have come-up, therefore, I am not inclined to allow this application. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is rejected.

Sd/-

**(Rajendra Chandra Singh Samant)**

Judge