

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1012 of 2019**

Kailash Singh Rajput S/o Shri P L Rajput Aged About 42 Years R/o In
Front Of Mukta Petrol Pump Utai ,police Station Utai Tehsil And
District Durg Chhattisgarh., District : Durg, Chhattisgarh.

---- **Applicant**

Versus

State Of Chhattisgarh Through District Magistrate Durg ,district Durg
Chhattisgarh., District : Durg, Chhattisgarh.

---- **Respondent**

For the Applicant	:	Shri Jaideep Singh Yadav, Advocate
For the State	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

25/02/2019

1. This is the second bail application under Section 439 of the CrPC.
2. Earlier first bail application was dismissed as withdrawn by this Court 22/01/2019 in MCRC No. 9511/2018.
3. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.331/2018 registered at Police Station Utai, District Durg (C.G.) for the offence punishable under Sections 386 of IPC and Section 4 of C.G. Protection of Debtors Act, 1937.
4. Case of the prosecution, in brief is that complainant Rupesh Dewangan had taken loan of Rs. 2 Lakhs from the applicant. He had executed one document wherein it was contended that he had taken Rs2 Lakhs loan. He had also given a cheque of Rs.2 Lakhs to applicant. Applicant had obtained from him some amounts. Applicant filed a case against him under Section 138 of Negotiable Instrument Act. Applicant had also obtained Rs. 1 Lakh from him on the ground that he will withdraw the said case but he did not withdraw the case. Applicant abused the complainant and gave threatens to kill him.
5. Counsel for the State opposes the bail application. He further submits that five other criminal case have been registered against the applicant out of which two under IPC and three under Protection of Debtors Act.
6. Counsel for the applicant submitted that applicant is cooperating the police during investigation, at the time of alleged incident he was in jail. At

the time of filing the said case and at the time of notice given by the applicant, complainant had not raised this fact that to withdraw the case he had obtained Rs. 1 Lakh.

7. Looking to the facts and circumstances of the case, looking to this fact that five other criminal cases have been registered against the applicant, looking to the seriousness of the alleged offence, looking to the impact of granting bail to the applicant on society, the second bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde