

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 326 of 2019

- Sarabeer Dalai, S/o Madan Mohan Dalai, Aged About 41 Years, R/o Jhamtiya, Howara West Bengal .

---- Applicant

Versus

- State of Chhattisgarh Through Police Station-City Kotwali Raigarh District-Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate.
For Respondent/State : Mr. Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

14/05/2019

1. This is 2nd bail application of this applicant for grant of anticipatory bail. His first application MCRC(A) No.1474 of 2018 was rejected on merits vide order dated 10.12.2018.
2. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.1021/2018 registered at Police Station-City Kotwali, District – Raigarh(C.G.), for the offence punishable under Sections 420/34 of the Indian Penal Code.
3. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. The ground raised in second application is this that the applicant has refunded the amount which was received by him from the complainant. An agreement has also been executed between applicant and complainant Rajesh Kumar

Pandey on 17.3.2017, on that basis some payment has also been made by applicant to the complainant by depositing amount in installments in the bank account of complainant, therefore, on the basis of this compromise, it is prayed that application be allowed.

4. Learned State counsel opposes bail application and submissions made in this respect. It is submitted that earlier application for anticipatory bail has been rejected on merits, therefore, no case is made out for grant of anticipatory bail.
5. Learned counsel for the Objector after adopting argument submitted by counsel for State opposes bail application and submissions made in this respect. It is submitted that statements made by applicant are false. The applicant had given cheque of Rs.6 lakhs for repayment on 28.6.2018, but the same has been dishonored by bank and apart from that, he has not made any payment to complainant. Agreement said to have been executed between parties is a forged agreement as the same has not been signed by the Objector. It is also submitted that applicant is habitual offender and number of cases of similar nature are registered against him. Hence, application be rejected.
6. In reply, it is submitted by counsel for applicant that deposits in the bank account of complainant cannot be denied, therefore, it is prayed that application be allowed.
7. Heard both the parties and perused the case diary.
8. Earlier application has been rejected on 10.12.2018 and at that time this Court was not apprised by the agreement dated 17.3.2017, which is a subsequent development. Even the deposits made in bank account of complainant were not brought to the notice of this Court. However, the complainant himself has denied execution of any such

agreement and receipt of deposits, therefore, on this basis, I do not find any change in circumstances.

9. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha