

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 1677 OF 2019

Santosh Kishan Sapkale S/o Shri Kishan Sonu Sapkale, aged about 40 years, R/o Bungalow No.6, Deepmangal Society, Narmad Library, Ghoddoud Road, Surat, PS Umra, Distt. Surat, Gujrat.

... Applicant

Versus

State of Chhattisgarh, through the Police Station Newai, Durg, Distt. Durg (CG).

... Respondent

For Applicant	:	Shri N.Naha Roy, Advocate.
For Respondent-State	:	Shri Rahul Mishra, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/04/2019

1. The present is a repeat bail application seeking grant of bail to the Applicant who is in jail since 16.01.2017 in connection with Crime No. 335 of 2014 registered at Police Station Newai, Distt. Durg for the offence punishable under Sections 420,409,120-B/34 IPC and Sections 3 & 4 of Prize Chits and Money Circulation Scheme (Banning) Act, 1978. The earlier bail application was rejected by this court on 30.10.2018 in MCRC No.7948 of 2018.
2. The counsel for the applicant has brought on record an affidavit of the complainant wherein the complainant has deposed that he has since been paid the entire amount which he has invested with M/s Astha Goat Farming Pvt. Ltd. of which the applicant was Director. He further submits that the applicant has already remained in custody for a period of two years and four months and therefore the applicant may be released on bail.

3. The State counsel opposing the bail application submits that since this court had rejected the bail application of the applicant at first instance considering the seriousness of the offence and therefore no strong case is made for grant of bail at this juncture.
4. Having heard the contentions put forth on either side and on perusal of records, considering the totality of the facts and circumstances of the case particularly taking note of the affidavit of the complainant, in addition as per counsel for the applicant in the present case there is only one complainant and whose grievance has now seems to have been redressed and also taking into consideration the period of custody undergone by the applicant, this Court is of the opinion that present is a fit case where the Applicant can be enlarged on bail.
5. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge