

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1631 of 2019**

Rakesh Kumar Vaidya, S/o late Dwarika Prasad Vaidya, aged about 44 years,
R/o Glow Sign Beauty Parlor, Danitola, Dhamtari, Police Station Kotwali,
Dhamtari, Tahsil and District Dhamtari (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Bhilai
Nagar, District Durg (CG). **---- Non-applicant**

For Applicant	: Mr. Y.C. Sharma, Advocate
For Non-applicant	: Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

26.03.2019

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.422/2018 registered at Police Station Bhilai Nagar, District Durg for the offence punishable under Sections 420 & 406 of Indian Penal Code.
2. The first bail application of the applicant was rejected on merits by this Court vide order dated 04.01.2019 passed in M.Cr.C. No.8702/2018.
3. Case of the prosecution in brief is that complainant Smt. Kamla Mishra is the mother-in-law of the applicant. Applicant has taken Rs.13,50,000/- from the complainant promising her that he will provide a house in Talpuri Colony, Ruwabandha, Bhilai. Neither he got her allotted the house nor returned back the said amount. He executed a stamp paper in favour of her.
4. Counsel for the applicant submitted that the applicant is a innocent person and has been falsely implicated in the present case. He further submitted that the applicant is in jail since back 08.10.2018 and charge-sheet has already been filed. He is a contractor and his bills are pending for pass out. He had not purchased the Duster Car from the said amount and he had not invested any part of the said amount in beauty parlor of his wife hence the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application.
6. Looking to the above mentioned facts and circumstances of the case and looking to this fact that there is no change in the circumstances of the case on the strength of which the applicant be released on bail. Consequently, the second bail application of the applicant is rejected.
7. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
JUDGE