

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3550 of 2019**

Balram Khatik S/o Rajshri Khatik Aged About 47 Years R/o Bazarpara, Police Chouki- Koria Colliery, Police Station Chirmiri, Tahsil Baikunthpur, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Chirmiri, District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Dharendra Pandey, Advocate
For the State	:	Shri SRJ Jaiswal, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

27/06/2019

1. This is third bail application under Section 439 of the CrPC. Earlier first bail application of applicant was rejected by this Court on 18/09/2018 in MCRC No. 5420/2018 considering *prima facie* case against him. His second bail application was dismissed as withdrawn on 14/11/2018 in MCRC No. 8116/2018.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No.148/2018 registered at Police Station Chirmiri, District Koriya (C.G.) for the offence punishable under Sections 384, 420, 120(b), 506 of IPC and Section 4 of Karja Act.
3. Case of the prosecution, in brief is that complainant Heeralal is resident of Koriya Colliery, Chirmiri. He had taken loan of Rs.80,000/-, 10 -12 years ago from applicant. To recover the loan amount applicant and other co-accused persons obtained signature of complainant Heeralal on withdrawal form. They had also obtained blank cheques from the complainant Heeralal. Using them they withdrew Rs. 17 Lacs from the account of complainant Heeralal.
4. Counsel for the applicant submitted that offence is triable by Judicial

Magistrate First Class, applicant is in jail since one year, FIR is delayed by 10-12 years, thus, he may be released on bail.

5. On the other hand, counsel for the State opposes the bail application. He further submitted that five other criminal cases have been registered against the applicant, out of which one under IPC, two under Gambling Act and two under CrPC.
6. Counsel for the applicant further submitted that cases registered under the Gambling Act and under CrPC are not the criminal cases.
7. Earlier while dealing the first bail application it was intimated by the State counsel that four other criminal cases have been registered against the applicant.
8. There is no change in the circumstance of the case which may entitle the applicant to be released on bail in third round of litigation.
9. Accordingly, third bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge