

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3462 of 2019**

Amarnath Agrawal S/o Shri Ramavatar Agarwal Aged About 55 Years R/o Kosabadi, Korba P.S.- Kotwali, Korba, Tahsil And District- Korba, CG

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Out Post- Manikpur, Police Station Kotwali, Korba, District- Korba, CG

---- Respondent

For applicant Mr. Shashank Thakur, Adv.
For non-applicant/State Mr. Vikram Dixit, GA

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****18-6-2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court. His first application was rejected by this Court vide order dated 27-3-2019 passed in MCRC no. 1695/2019.
2. The applicant has been arrested in connection with Crime No. 109/2019 registered in Out post Manikpur, police station Kotwali, Korba, Distt. Korba (CG) for offence punishable under Sections 409, 420, 34 of the IPC.
3. Case of the prosecution, in brief is that name of the complainant is Tajendar Singh Dhadha. On 17.05.2016 the director of M/s Prabha Communication Pvt. Ltd. co-accused Rajesh Tamrkar had executed a power of attorney in favour of applicant for certain purposes. In the year 2016-2017 Prabha Communication Pvt. Ltd. had got the licence to sell liquor at Mudapar Manikpur. Applicant and co-accused Rajesh Tamrkar induced complainant that if he would invest the money in the liquor business of Prabha Communication Pvt. Ltd. he would get double amount in a year. Complainant believing the said contentions of applicant and said co-accused deposited handsome amount in the bank

account of co-accused Rajesh Tamrkar, Chhattisgarh State Beverage Prabha Communication Pvt. Ltd. Total amount was Rs. 69,55,000/-. Thereafter complainant got only Rs. 2,50,000/-. After completion of the contract, complainant demanded the remaining amount from the applicant and co-accused but they did not return.

4. Counsel for the applicant submitted that none of the transactions is related to the applicant. The licence to sale liquor was granted in favour of M/s. Prabha Communication Pvt. Ltd. He drew my attention on Annexure A-3 of the bail application. He further submits that in the case in hand the ingredients of Section 409 and 420 of IPC are missing. The applicant is in jail from 23-2-2019. He further submits that the applicant has been acquitted in 3 other criminal cases. Thus, the applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application and submits that 4 other criminal cases have been registered against the applicant.
6. This Court is not impressed upon the result of the 3 other criminal cases which were registered against the applicant.
7. There is no change of circumstances since rejection of first bail application which may entitle the applicant for release on bail.
8. The application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge