

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4576 of 2019**

Kunal Tandan, son of Bhagmal Tandan (wrongly written as Bhagman), aged about 22 years, R/o House No.133, Frant Housing Board Colony, Boriyakala Sadani, Darbar, Raipur, Tahsil and District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Devendra Nagar, Raipur, District Raipur (CG).

---- Non-applicant

For Applicant	: Mr. Sudhir Sahu, Advocate
For Non-applicant	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****02.08.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.230/2018 registered at Police Station Devendra Nagar, Raipur, District Raipur for the offence punishable under Section 420 of Indian Penal Code.
3. The first bail application of the applicant was rejected on merits by this Court vide order dated 04.02.2019 passed in M.Cr.C. No.386/2019.
4. Case of the prosecution, in brief, is that the applicant had obtained some documents from complainants Chandra Bai, Geeta Bai Jangde, Tanu Chouhan, Rakesh Markande, Takeshwar Prasad and others saying that he will provide them house under Indira Awas Yojna. On the strength of documents of the said complainants, he obtained so many articles by finance.
5. Counsel for the applicant submitted that complainant Nikhil Mishra (P.W.-1) has been examined before the trial Court. He drew my attention on paragraphs No.12, 15 & 17 of certified copy of statement of Nikhil Mishra (P.W.-1), which is a part of bail application.

6. On the other hand, counsel for the State opposed the bail application. However, he submitted that previously no criminal antecedent is reported against the applicant in police case diary.
7. As per certified copy of statement of Nikhil Mishra (P.W.1), he has stated against the applicant. Moreover, in the case in hand complainants Chandra Bai, Geeta Bai Jangde, Tanu Chouhan, Rakesh Markande, Takeshwar Prasad have to be examined.
8. This is well settled legal position that while dealing with the bail application, this Court is neither scrutinize nor appreciate the evidence. At this stage, this Court also cannot touch the merit and demerit of the case.
9. Looking to 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 in the second round of litigation. Consequently, the second bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-