

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6977 of 2019**

- Akash Rai S/o Shri Arun Rai, Aged About 29 Years R/o Shrishti Block-8, Avanti Vihar, Telibandha Raipur District Raipur Chhattisgarh. Presently R/o Near Govt. Hospital Bachel, District Dantewada Chhattisgarh, District : Dantewada, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Telibandha, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant : Ms. Smita Jha, Advocate.

For Non-applicant : Shri Praveen Shrivastava, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****15.11.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant has been rejected by this Court on 27.06.2019 in MCRC No. 4097 of 2019 considering the prima facie case against him.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 311/2019 registered at Police Station – Telibandha, District – Raipur (C.G.) for the offence punishable under Section 420 of the Indian Penal Code.
4. Case of the prosecution, in brief is that complainant Akash Shrivastava is the resident of Raipur. Applicant deceived him that he will provide the service of computer operator at Agriculture College and obtained Rs. 7 Lacs from him. Hemant Yadav had given him Rs. 4 Lacs for the service of driver in Agriculture College. Abhipriya Verma had given him Rs. 25 Lacs for the

service of Assistant Labour Officer in Agriculture College. He obtained Rs. 14 Lacs from Ashish Kumar Rathore and his family members to provide job to elder brother of Ashish Kumar Rathore namely Sanjay Kumar Rathore. Applicant did not provide job and cheated them.

5. Learned counsel for the applicant argued that now the charge sheet has been filed, applicant had taken loan which has been repaid by him. He is the tutor, thus, he may be released on bail.

6. On the other hand, learned counsel for the State opposes the bail application, however submits that there is no antecedent against the applicant in the case diary.

7. Some amount were allegedly obtained as loan or not, is the subject matter of scrutiny of the evidence, which can be done only by the trial Court.

8. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where the applicant may be enlarged on bail in second round of litigation, consequently, the present bail application is rejected.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE