

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6987 of 2019**

- Madhusudan Mishra S/o. Late Shri Rambharosa Mishra Aged About 59 Years Resident Of Prayagkunj Bajrang Chowk, Santoshi Nagar, Police Station Tikrapara, Raipur, Tahsil And District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant : Shri C.R. Sahu, Advocate.

For Non-applicant : Shri D.C. Verma, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.11.2019**

1. This is third 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 Earlier, the first bail application of the applicant was dismissed as withdrawn on 04.02.2019 in MCRC No. 9801 of 2018 and the second bail application of the applicant has been rejected by this Court on 14.03.2019 in MCRC No. 1494 of 2019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. 217/2018 registered at Police Station – Gole Bazar Raipur, District - Raipur (C.G.) for the offence punishable under Section 120B, 420, 467, 468, 471/34 IPC and Section 4 of C.G. Debtors Protection Act.

4. Case of the prosecution, in brief is that complainant Ashok Kumar Verma had obtained Rs. 1,00,000/- from the applicant. To secure the loan, he had given five blank cheques and blank Hundi letters to the applicant. On 28.01.2004 the said complainant paid the entire balance amounts with interest to him, but the applicant had not returned back the aforesaid documents to him and converted them into forged documents for obtaining wrongful gain.
5. Learned counsel for the applicant argued that coaccused Smt. Indu Mishra has been released on anticipatory bail, FIR is delayed by 10 years, thus he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application and submits that six other criminal cases under IPC have been registered against the applicant.
7. The case of the applicant is more severe than coaccused Smt. Indu Mishra who has been released on anticipatory bail. The delay in lodging FIR – this aspect has been considered by this Court while deciding second bail application.
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 released on bail in third round of litigation. Consequently, the present bail application is rejected.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE