

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7745 of 2019**

- Janak Ram Patel S/o Usatram Patel Aged About 42 Years Village Kanmura, Thana Kharsiya, Tahsil And District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kharsia, Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sanjay Agrawal, Advocate.
For Respondent	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09/12/2019**

- The accused/applicant has moved this second bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 287/2019 registered at Police Station - Kharsia, District Raigarh (C.G.) for the offence punishable under Sections 420/34, 467, 468, 471 of IPC.
- Earlier bail application of the applicant was dismissed as withdrawn.
- The prosecution story, in brief, is that, the society purchased the paddy from the farmer by illegally extending the area of land of farmer and cheque was issued in the name of another person. The present applicant is working on the post of Manager in the society. On the basis of that, after investigation, offence has been registered against the applicant and he was arrested on 01.07.2019.
- Learned counsel for the applicant submits that earlier, counsel Mr. R.S. Patel in MCRC No. 6297/2019 (first bail application of the present applicant) on 17.11.2019 gave his

No Objection Certificate and on the second day, he mentioned the case before the Hon'ble Court and sought permission of the Court to withdraw the bail application and accordingly, the bail application (MCRC 6297/2019) was dismissed as withdrawn. He further submits that on 18.11.2019, the present applicant has already engaged him as counsel to represent in the bail application and filed power. He next submitted that applicant is innocent and has been falsely implicated in the case. he is jail since 01.07.2019, there is no previous antecedent against him, therefore, the present appellant may be released on bail.

- On the other hand, counsel for the State strongly opposes the bail application and submits that the applicant, who is a manager of society, along with co-accused, fraudulently obtained the money by using the whitener in the cheques of farmers, which were in the name of other persons as well.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, further considering the that fact that applicant is in jail since 01.07.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 1,00,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
 Judge