

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO.1368 OF 2020

Madhav Kishanrao Biradar S/o Kishanrao Biradar, aged 30 years,
R/o Telgaon, PS Balki, District Bidar, Karnataka.

... Applicant

Versus

State of Chhattisgarh, through Police Thana-Purani Bhilai, Bhilai,
Distt. Durg (CG).

... Respondent

For Applicant	:	Shri Akhand Pratap, Advocate.
For Respondent-State	:	Shri Ayaz Naved, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20.02.2020

1. This is a repeat bail application seeking grant of bail to the Applicant who has been arrested in connection with Crime No. 69 of 2018 registered at Police Station Purani Bhilai, Distt. Durg, for the offence punishable under Sections 420, 406, 467, 468, 471, 34 IPC. The first bail application was dismissed as withdrawn on 09.10.2018 and the second one stood rejected on 04.04.2019 in MCRC No.6969 of 2018 and MCRC No. 2278 of 2019 respectively.
2. The present repeat bail application has been filed on the ground that the evidence of the complainant has been recorded and therefore the applicant wants this court to consider the evidence of complainant which would establish that the offence lodged against the applicant is not made out.
3. The State counsel, on the other hand, opposing the bail application submits that the nature of allegation against the applicant is of serious nature wherein he has cheated the complainant on the basis

of false and fictitious company and therefore he does not deserve bail at this juncture.

4. The counsel for the applicant tried to highlight the evidence of the complainant to show that the case of the prosecution is not established from the evidence of complainant.
5. Having gone through the facts and circumstances of the case particularly the statement of the complainant, this court is of the opinion that it would not be proper for this court at this juncture to appreciate the evidence of the complainant as it would have an adverse impact on the outcome of the prosecution case itself. It is not a case where the complainant has turned hostile.
6. Given the aforesaid facts, this court is not inclined to grant bail to the applicant. Accordingly, the bail application stands rejected.
7. The trial court is hereby directed to proceed further with the matter expeditiously and decide the same at the earliest.

Sd/-
(P. Sam Koshy)
Judge