

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4064 of 2020**

- Shankar Rajak S/o Buddhdev Prasad Aged About 47 Years By Caste- Dhobhi, R/o Village- Hunkra, P.S.- Katghora, Distt.- Korba, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station- Deepka, Distt. Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Adv.
For Respondent/State	:	Mr. Vikram Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05/08/2020**

1. Heard on admission.
2. Admit.
3. The accused/applicant has moved this **second** bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 61/2018 registered at Police Station Deepka, District-Korba (C.G.) for the offence punishable under Section 420 of the IPC.
4. The first bail application of the applicant was dismissed as withdrawn with liberty to revive the same after examination of material witnesses by this Court on 04.02.2020 in MCRC No. 8190/2019.
5. The prosecution story in brief is that, the complainant lodged a complaint that on pretext of providing job in SECL the applicant obtained Rs. 9,63,000/- from the complainant but he neither provided job nor returned the money. It is further alleged that the applicant has also taken money from other persons of the village for the said purpose and thereby committed cheating. Based on this, offence has been

registered against the present applicant.

6. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that in some cases (MCRC Nos. 862/2020, 7756/2019, 968/2020) of the similar nature, the present applicant has already been granted bail by this Court. He also submits that the applicant is in jail since 18.09.2018, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
7. On the other hand, counsel for the State opposes the bail application and submits that the allegation against the applicant is of serious in nature; and the applicant is a habitual offender, therefore, no case is made out for grant of bail.
8. I have heard learned counsel for the parties and perused the case diary.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering that the present applicant has already been granted bail in some other cases of similar nature, the applicant is in jail since 18.09.2018, 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.
10. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 50,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**