

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 2066 of 2019**

Mahboob Alam S/o Yusuf Ansari Aged About 23 Years R/o Suga - Pahadi
Near Mahjid - Village Karmatand , Police Station And Tahsil Karmatand,
District Jaamtada Jharkhand.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station City
Kotwali, District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant : Shri Sanjeev Kumar Sahu, Advocate.
For the Respondent/State : Shri Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****02.01.2020**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is a repeat bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 408 of 2018, registered at Police Station – City Kotwali, District – Bilaspur, Chhattisgarh for the offences punishable under Sections 420 and 201/ 34 of the Indian Penal Code. The earlier bail application was dismissed as withdrawn on 5.9.2019 in M.Cr.C.(A) No. 1214 of 2019 and a direction was also issued by this Court to the applicant to surrender and apply for regular bail before the Court below. Without compliance of that order, this repeat bail application has been filed.

3. It is submitted by counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. There is no evidence against this applicant. He has been made an accused only on the basis of the memorandum statement given by the other co-accused persons. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is sufficient evidence against the applicant for his prosecution and this applicant had been absconding all the time during the pendency of investigation and now during the pendency of trial. Hence, for these reasons, the applicant is not entitled for grant of anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, complainant – Satyanarayan Dewangan has lodged FIR that he received call on his mobile phone and the person calling identified himself as an Officer of State Bank of India, Indore. On his inducement, the complainant provided him all the details of his account because of which, Rs.1,99, 979/- was withdrawn from his account in a fraudulent manner. During investigation, the name of this applicant has appeared in the memorandum statement of the co-accused persons regarding his involvement in the commission of crime.

7. As it appears that the custodial interrogation of this applicant may be necessary for the purposes of investigation, therefore, I do not feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the repeat bail application filed by the applicant under Section 438 of the Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi