

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8553 of 2021

Sachin Chaudhari, S/o Jaswant Singh Chaudhari, Aged About 20 Years,
R/o Village Birtoli, P.S. Tatarpur Chauraha, District- Alwar (Rajasthan)

--- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station -
Deepka, District -Korba (C.G.)

--- Respondent

For Applicant : Mr. Vikas Pandey, Advocate.

For State/ Respondent : Mr. Sanjeev Agrawal, Panel Lawyer.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

17/12/2021

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested on 17.12.2020 in connection with Crime No. 209/2020 registered at Police Station- Deepka District- Korba (C.G.) for the offence punishable under Sections 420, 506 of IPC and Section 66 (C) of Information Technology Act, 2000.
2. The first bail application bearing MCRC No. 2136 of 2021 has been dismissed by this Court vide its order dated 24.05.2021.
3. The case of the prosecution, in brief is that on 13.11.2020 complainant- Bhagwan Singh made a written complaint that on 14.10.2020, he has received a call in his mobile from mobile No. 8690401983 and the caller of the number asked his bank details on the pretext of depositing money in his account. He has further alleged that on the date Rs. 80,000/- from his account was deducted and on 12.11.2020 when he went to the bank to ascertain his account maintained in the bank, he came to know that total Rs. 37,00,000/- has been deducted from his bank account.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case, he is not involved in the cheating with complainant, the F.I.R. has been registered against one Himanshu Shekar who made calls to the complainant, neither has he been made accused in the case nor in proceeding under

Section 173(8) of Cr.P.C. has been drawn against him, the alleged mobile No. 8690401983 does not belong to applicant, the applicant is in jail since 17.12.2020, the offence is triable by Magistrate First Class, final report has also been filed, conclusion of trial may take some time, therefore, he may be released on bail. He would further submit that Rs. 5,30,000/-, which has been seized from the applicant, has already been given to the complainant by the Judicial Magistrate First Class on Supurdnama, as such, the money has also been returned.

5. Learned counsel for the applicant would further submit that after rejection of first bail application by this Court on 24.05.2021, the prosecution has examined the complainant before the trial Court, but he has not supported case of the prosecution, accordingly, *prima facie*, no case is made out against the applicant, therefore, the second bail application filed by the applicant may kindly be allowed.
6. On the other hand, learned counsel for the State opposes the bail application submitting that there is clear allegation against this applicant regarding commission of offence. Hence, the application for grant of bail may be rejected.
7. Heard learned counsel for both the parties and perused the case diary with utmost satisfaction.
8. The first bail application filed by the applicant for grant of bail has been rejected by this Court vide its order dated 24.05.2021. Non-support of case by the complainant is not change in circumstances, therefore, this is not a fit case where the second bail application filed by the applicant should be considered.
9. Accordingly, the second bail application filed under Section 439 of the Cr.P.C. is rejected.

Certified copy, as per rules.

Sd/-
(Narendra Kumar Vyas)
Judge