

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.1414 of 2021**

Jeevmangal Singh Tandan S/o Karan Lal Tandan, Aged About 45 Years, Present, R/o Yug Kumar Kosariya House, House No. 108 Kota Colony, Raipur, Permanent R/o Village Tulsi, Post Misda, Tahsil Shivrinarayan, Police Station Nawagarh, District- Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Police Station- Saraswati Nagar, Raipur, District- Raipur, Chhattisgarh.

---- Non-applicant

For Applicant : Ms. Rajni Soren, Advocate

For Non-applicant/State : Mr. Gurudev I. Sharan, Govt. Advocate

Hon'ble Shri Justice Parth Prateem Sahu**Order on Board****09.11.2021**

1. The applicant has preferred this second bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No. 89 of 2021 registered at Police Station Saraswati Nagar, Raipur, District Raipur, Chhattisgarh, for offence punishable under Section 420 of Indian Penal Code.
2. Case of the prosecution, in brief, is that complainant has lodged a report on 29.05.2021 mentioning therein that applicant on the pretext of providing a job in South Eastern Coalfields Limited (SECL) has taken Rs.3.5 lacs and after obtaining said amount, he executed an agreement in this regard. When even after lapse of much time, complainant could not get any job in SECL, he raised

demand for return of his money, upon which, applicant has given a cheque of Rs.50,000/- and stated that he will return the balance amount after some time, but he did not return the entire amount. Based on complaint, instant crime was registered against applicant.

3. Ms. Rajni Soren, learned counsel for the applicant would submit that first bail application for grant of anticipatory bail was dismissed on merits vide impugned order dated 29.07.2021. The fact that applicant was suffering with mental ailment was not brought to the notice of the Court and bail application was dismissed. She further submits that due to mental ailment of applicant, he is not in a position to surrender himself before the Court of competent jurisdiction, hence, he may be enlarged on anticipatory bail.
4. Per contra, Mr. Gurudev I. Sharan, learned Government Advocate for the State opposing the submissions made by learned counsel for the applicant, would submit that as first application for grant of anticipatory bail has been dismissed on merits and at that time, no such plea or document is placed on record as filed in this application as Annexure A/4, the submission of applicant could not be considered. He further submits that first application for grant of anticipatory bail was dismissed as early as on 29.07.2021. It is also pointed that applicant can raise the above ground in his application for grant of regular bail.
5. I have heard learned counsel for the parties.

6. At this stage, Ms. Soren, learned counsel for applicant submits that she may be permitted to withdraw this second bail application. However, she submits that a direction may be issued to the Court below concerned for considering and deciding bail application of applicant on the same day, if filed by him after his surrender.
7. In view of submission of learned counsel for applicant, second application for grant of anticipatory bail is dismissed as withdrawn. In the event, applicant surrenders before the Court below concerned and files an application for grant of regular bail along with relevant documents in support of his plea, the Court below concerned may consider and decide the same, if possible on same day, in accordance with law.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Yogesh