

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7151 of 2016

Akhilesh Swaroop Sharma, S/o. Late S.P. Sharma, Aged About 42 Years,
R/o. Shop No. 735, Behind Shiv Mandir, Sector- 06, C-Market, Police
Station- Bhilai Nagar, Tahsil & District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station-
Bhilai Nagar, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.P.Singh, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

17.11.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.139/2016 registered at Police Station- Bhilai Nagar, District Durg (C.G.) for the offence punishable under Section 420, 467, 468, 470, 471, 34 of Indian Penal Code.
2. As per the prosecution case, the applicant alongwith other co-accused in order to provide job in Police Department obtained different amounts from the complainants, however, the job could not be provided as such initially the report was made on 20.01.2016 by the four persons namely Soman Lal Gayakwad, Chetan Lal Gayakwad, Jitendra and Nikhil Chandra. Subsequently, the FIR was lodged on 01.03.2016 by Soman Lal Gayakwad; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant is innocent and he has been falsely implicated in this case. He further

submits that there is a delay in trial and the applicant is in jail since 02.03.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail and would submit that the case is fixed for evidence before the Trial Court on 18.11.2016.
5. Perusal of the case diary and file would show that the bail application of the applicant was dismissed on merit on 22.06.2016. Predominantly, the bail application was rejected on the ground that the applicant had received different amounts from different persons to provide job and thereby he committed fraud. Taking into the facts and circumstances of the case, I do not find any change of circumstances to reconsider the bail application.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is dismissed. However, the Trial Court is requested to expedite the trial.

Sd/-
(Goutam Bhaduri)
Judge