

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2260 of 2017

- Nohit Kumar Saket S/o Ramnath Saket, Aged About 48 Years R/o Village Durumgarh, Police Station Sarsiwan, District Revenue & Civil Baloda Bazar Bhatapara, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Sarsiwan, District (Revenue & Civil) Baloda Bazar Bhatapara, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Anand Kesharwani, Advocate

For Respondent/State : Mr. Om Prakash Sahu, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-04-2017

1. This is third bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 1-4-2016 in connection with Crime No. 61 of 2016, registered at Police Station Sarsiwan, District Balodabazar Bhatapara (CG) for the offence punishable under Section 420/34 of the IPC..
2. Case of the prosecution, in brief, is that the applicant along with other co-accused in order to provide Government job collected Rs.2,10,000/- from complainant Punnuram, but subsequently job could not be provided to him and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that this is third bail application, earlier first bail application was dismissed on merits on 1-8-2016 and second bail application was

dismissed as withdrawn with a request to trial Court to expedite the trial, on 2-11-2016. He would further submit that the applicant is in jail since 1-4-2016, only two witnesses have been examined till date, therefore, there enormous delay has been caused in trial, therefore, the applicant may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary.
6. Perusal of the documents annexed to the bail petition would show that two witnesses have been examined and one of them is complainant Punnuram. It appears that one witness has been examined on 19-10-2016 and another witness has been examined on 21-2-2017., therefore, I do not find that enormous delay has been caused in trial.
7. Considering all the facts and circumstances of the case, this court is of the opinion that it is futile to go into the merits of the case for consideration of bail by evaluating the statements of prosecution witnesses as it would amount to usurping the power of trial Court. In view of this I am not inclined to allow this bail application.
8. Accordingly, the instant bail application is also liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju