

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3734 of 2017**

- Kushal Panigrehi S/o Pankaj Panigrehi, Aged About 28 Years R/o Village Kumhali, Police Station Bandaji, District Bastar, Chhattisgarh.
---- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Kondagaon, District Kondagaon, Chhattisgarh. -- **Respondent**

For the applicant : Mr. Sandeep Shrivastava, Advocate.

For the State : Mr. Ramakant Mishra, Dy. A. G.

Hon'ble Shri Justice Goutam Bhaduri

ORAL ORDER**24.08.2017**

1. This is second bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 60 of 2016 registered at Police Station Kondagaon, Distt. Kondagaon (C.G) for the offence punishable under section 420/34 of IPC.
2. The first bail application was dismissed on merits by order dated 25.10.2017 passed in M.Cr.C.No.6611/2016.
3. As per the prosecution case, the applicant pretended himself to be the officer in the PHE Department and he along-with one co-accused collected Rs.73 lakhs from as many as 43 persons on the allurements of providing jobs, thereby the offence is committed.
4. Learned counsel for the applicant submits that certain witnesses have been examined and they have not stated anything against the present applicant. Therefore, he may be

enlarged on bail.

5. At this this stage, it would not be appropriate for this Court to assess the evidence of witnesses as a whole and give a finding for reconsideration of bail as it would amount to usurping the power of trial Court. Therefore, I am not inclined to allow this bail application. Accordingly, it is rejected.
6. At this stage, learned counsel for the applicant submits that there is considerably delay in disposal of the trial, therefore, a direction may be given to decide the case within a stipulated time.
7. The trial Court is requested to decide the case expeditiously within a period of six months.

**Sd/-
GOUTAM BHADURI
JUDGE**