

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4007 of 2019**

- Khemraj S/o Shri Bholaram Banjara Aged About 31 Years R/o Village- Sanhar, Thana- Tendukona, Tahsil- Bagbahra, Civil And Revenue District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station- Tendukona, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant : Shri Varunendra Mishra, Advocate.

For Non-applicant : Shri D.C. Verma, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.08.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant has been rejected by this Court on 14.02.2019 in MCRC No. 43 of 2019.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 167/2018 registered at Police Station – Tendukona, District – Mahasamund (C.G.) for the offence punishable under Section 409, 420 of the Indian Penal Code and Section 3 and 7 of Essential Commodities Act, 1955.
4. Case of the prosecution, in brief is that the applicant was a seller of fair price shop of village Mongrapali and Shikaripali operated by Prathmik Krishi Sakh Sahkari Samiti. After the inquiry, it was found that the applicant had not properly distributed 300 quintals of rice to 100 card holders during the year 2014 to 2017. He had embezzled the sale amount of Rs. 5, 64, 827.69/-.

5. Counsel for the applicant argued that applicant is in jail since 07.12.2018, trial is delayed, thus, he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however submits that there is no antecedent against the applicant in the police case diary.
7. Definitely the detention period of the accused and delay in trial are considerable factors for disposal of the bail application but equally it is also true that gravity of offence, seriousness of the offence, impact of granting bail on society are also considerable factors which weigh for the disposal of the bail application.
8. In the case in hand, looking to the gravity of the offence, looking to the seriousness of the offence, alleged embezzled amount Rs. 5,64,827.69/-, this Court finds that in the case in hand detention period of the applicant, delay in trial are not sufficient grounds to enlarge the applicant on bail in second round of litigation, consequently, the present bail application is rejected.
9. However, the trial Court is directed to expedite the trial and dispose off the case as early as possible.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE