

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6274 of 2019**

Rehan Ahamad Azami S/o - Nishar Ahamad Aged About 28 Years R/o -
Ganesh Nagar Chuchuhiyapara, Bilaspur, Police Station Sirgitti, Tahsil
And District Bilaspur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer - Police Station, Civil
Line, District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant	:	Ms. Rashmi Sen, Advocate
For the State	:	Shri D.K. Tiwari, Dy. G.A.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01/10/2019**

1. This is the second bail application under Section 439 of the CrPC. Earlier first bail application of the applicant was rejected by this Court on 24/06/2019 in MCRC No. 2428/2018 considering *prima facie* case against him.
2. Perused the case diary provided by the counsel for the State in connection with the Crime No.131/2019 registered at Police Station Civil Line, District Bilaspur (C.G.) for the offence punishable under Section 409 of IPC.
3. Case of the prosecution, in brief, is that the applicant was the employee of Kotak Mahindra Bank Branch near KIMS, Hospital. Kotak Mahindra Bank had given loan to the complainants namely Cherkhu Ram and Bhagwan Singh to purchase tractor and trolley. After some time, the applicant had forcefully taken one tractor and trolley from the possession of complainant Cherkhu Ram and one tractor from the possession of complainant Bhagwan Singh due to non-payment of remaining installments. The cost of two tractors and one trolley is Rs.14,49,000/-.
4. Counsel for the applicant submitted that applicant innocent and falsely implicated in the present case. She further submitted that applicant is

in jail for more than seven months, charge-sheet has been filed, charge has not been framed yet, thus he may be released on bail.

5. On the other hand, counsel for the State opposes the bail application. He further submits that no criminal antecedents against the applicant is reported in the police case diary.
6. This is true that detention period of the accused is a considerable factor while deciding the bail application, but it is equally true that other factors like gravity of the offence, impact on society of granting bail, cannot be ignored.
7. Mere filing the charge-sheet is not a sufficient ground to enlarge the accused on bail.
8. Looking to the above mentioned facts and circumstances of the case, this Court finds that it is not a fit case where the applicant may be released on bail in second round of litigation.
9. Consequently, second bail application of the applicant is rejected. However, the trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-
(Sharad Kumar Gupta)
Judge