

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7100 of 2019**

Shivnath Singh @ Kaliya @ Sekhar, aged about 26 years, S/o Late Ramkripal Raj, R/o Village Mahuda, P.S.Champa, District Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh through The District Magistrate, Janjgir, District Janjgir-Champa (C.G.) Through Police Station Champa, district Janjgir-champa, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Govind Dewangan, Advocate
For the State	:	Shri D.C. Verma, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**19/12/2019**

1. This is the second bail application under Section 439 of the CrPC. Earlier his first bail application was dismissed for want of prosecution on 14/03/2019 passed in MCRC No. 1373/2019.
2. Applicant has been arrested in connection with Crime No.179/2018 registered in police station Champa, Distt. Janjgir-Champa (CG) for offence punishable under Sections 419, 420, 467, 468, 471, 34 of IPC.
3. Prosecution story in brief is that actual owner of the disputed land was complainant Shekhar Dewangan. It is alleged that applicant Shivnath Singh @ Kaliya @ Sekhar executed a sale-deed of disputed land in favour of Vijay Kumar Thakur and Bhagwati Bai Patel impersonating himself as Shekhar Chand. It is also alleged that co-accused Mahabeer Bareth, Mahadev Bareth and Santosh Kumar Dewangan assisted the applicant.
4. Counsel for the applicant submitted that applicant is in jail since 24/07/2018, offence is triable by Judicial Magistrate First Class, three other co-accused have been released on bail and no witness have been examined in trial Court yet, thus applicant 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 and delay in trial are material factors while dealing the bail application, but it is also true that the seriousness of the offence, impact of granting bail to the accused on society are more material and important factors while dealing the bail application.
7. The case of co-accused Mahabeer Bareth, Mahadev Bareth and Santosh Kumar Dewangan is totally different from the case of applicant. Otherwise the case of applicant is more severe than those co-accused who enlarge on bail by this Court.
8. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicant, this Court is not inclined to give benefit of Section 439 of CrPC to the applicant. Consequently his second bail application 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