

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8149/2019**

Khemraj son of Shri Bholaram, aged about 31 years, R/o. Village Sanhar, PS Tendukona, Tahsil Bagbahra, Civil and Revenue Distt. Mahasamund (CG)

VERSUS

State of Chhattisgarh, through Station House Officer, PS Tendukona, Civil and Revenue Distt. Mahasamund (CG)

For applicant	Mr. Sunil Sahu, Adv.
For Respondent/State	Mr. D.C. Verma, Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****19-12-2019**

1. This is 3rd bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court. His 1st bail application MCRC No. 43/2019 was rejected by this Court vide order dated 14-2-2019 considering prima facie case against the applicant. His 2nd bail application MCRC No. 4007/2019 was rejected by this Court vide order dated 30-8-2019 considering the prima facie case.
2. The applicant has been arrested in connection with Crime No. 167/2018 registered in police station Tendukona, Distt. Mahasamund (CG) for offence punishable under Section 409, 420 of IPC and Section 3 and 7 of Essential Commodities Act, 1955.
3. Prosecution story 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/-
4. Counsel for the applicant submits that the applicant is in jail since 7-12-2018. Trial is delayed. Case is triable by JMFC. Hence the applicant may be released on bail.
5. On the other hand, the Panel Lawyer appearing for the State opposes the bail application. However, he submits that no criminal antecedent against the applicant has been shown in the police case diary.
6. It is true that period of detention of the accused and delay in trial are the material factors for disposal of bail application of accused but it is

also equally true that seriousness of the offence and impact of grant of bail to the accused on society are more important and material factors for disposal of the bail application filed by the accused.

7. It is true that alleged offence is triable by JMFC but this fact cannot be ignored that allegedly the applicant was a seller of fair price shop and embezzled the sale amount of Rs. 5,64,827.69/-
8. Looking to the above facts and circumstances of the case, this Court finds that there is no such material change which may entitle the applicant to be released on bail.
9. Consequently, this 3rd bail application is rejected.
10. However the trial Court is directed to expedite the trial and dispose of the same as early as possible.

Sd/-
(Sharad Kumar Gupta)
Judge