

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1559 of 2020**

- Shahnawaj Samnani S/o - Late Mohammad Aziz Aged About 30 Years R/o - Aman Apartment, Adarsh Nagar, Durg, Tahsil And District - Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg, District - Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Non-applicant

For Applicant : Shri Navin Shukla, Advocate.

For Non-applicant : Shri R. Verma, Government Advocate

For Objector (Asha Maloo): Shri P.R. Patankar, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****17.03.2020**

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 30.09.2019 in MCRC No. 4673 of 2019 considering the prima facie case against him.
3. Perused the case diary provided by the learned counsel for the State in connection with crime No. 1107/2018 registered at Police Station – Durg Kotwali, District – Durg (C.G.) for the offence punishable under Sections 408, 420, 467, 468, 471 of the Indian Penal Code.
4. Case of the prosecution, in brief is that complainant Smt. Asha Maloo is the proprietor of the Reliance Petrol Pump namely V.M. Fuels, Ganjpara Durg. She had appointed the applicant to operate that petrol pump as manager. He was also made responsible for depositing amount on the heads of GST, EPF,

ESIC etc. In the month of June, 2018 he did not deposit 4 lakh rupees to the Reliance company for the petrol supplied by that company. It was found that he had not deposited Rs. 2, 90,724/- on the head of GST, EPF, ESIC. Later on he deposited forged challan, T.R.R.N. regarding Rs. 2,90,724/-

5. Learned counsel for the applicant argued that applicant is in jail since 22.04.2019, charge sheet has been filed, thereafter, six months passed away but trial has not commenced, therefore, 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.
7. This is true that the detention period of the accused and delay in trial are material factors for disposal of the bail application, but equally it is also true that seriousness of the offence, impact of granting bail on society are more material factors for disposal of the bail application.
8. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where applicant may be enlarged in second round of litigation, consequently, the present bail application is rejected.
9. Applicant may pursue the trial Court for compelling attendance of the prosecution witnesses.
10. The trial Court is directed to expedite the trial and dispose off the case as soon as possible.

Sd/-

(Sharad Kumar Gupta)
JUDGE