

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1655 of 2020**

1. Anil Kumar Chouhan S/o Late Shri Omkar Chouhan Aged About 40 Years R/o Jarhabhatha, Kasturba Nagar, Police Station Civil Lines, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
2. Ramesh Kumar Nirmalkar S/o Shri Latelram Aged About 30 Years R/o Bandhwapara, Nagar Panchayat Sakri, Police Station Sakri, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Civil Lines Bilaspur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicants : Shri Rishi Rahul Soni, Advocate.

For Non-applicant : Shri Dinesh Verma, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03.07.2020**

1. This is fourth bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicants was dismissed for want of prosecution vide order dated 12.04.2019 passed in MCRC No.8945/2018. Their second bail application was dismissed as withdrawn by this Court vide order dated 19.07.2019 passed in MCRC No.4156 of 2019. Their third bail application was rejected by this Court vide order dated 26.09.2019 passed in MCRC No. 5994 of 2019 considering prima facie case against them.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.877/2018 registered at Police Station-

Civil Lines, District- Bilaspur (C.G.) for the offence punishable under Sections 420, 409, 467, 468, 471/34 of the Indian Penal Code.

4. Case of the prosecution in brief is that applicants were part-time sweepers and posted at a school at Bilaspur. They manipulated the cheques issued by the Bank for depositing the amount in their accounts. They received surplus amount of Rs.28,00,000/-.
5. Learned counsel for the applicants submits that applicants are in jail since 13.10.2018, out of 11 prosecution witnesses only 3 have been examined, the offence is triable by JMFC, looking to the present scenario early conclusion of the trial is not possible, thus, they may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, he submits that there is no criminal antecedent against the applicants in police case diary.
7. This is true that the detention period of the accused and delay in trial are material factors for the disposal of the bail application filed by the accused but equally it is also true that seriousness of the offence and impact of granting bail to the accused on society are more important and material factors for the disposal of the bail application filed by the accused.
8. In the present scenario responsibility of delay in trial cannot be imposed upon the trial Court.
9. Looking to the above mentioned facts and circumstances of the case, this Court finds that it is not a fit case where the applicants may be enlarged on bail in fourth round of litigation, consequently, the present bail application is rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE