

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1474 of 2020**

Birjanand Mehar, S/o Kamal Mehar, aged about 26 years, R/o village Gohirapadar, Police Station Bangomunda, Civil and Revenue District Balangir (Odisha), District Balangir, Orissa.

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Tikrapara, Civil and Revenue District Raipur (CG).

---- Non-applicant

For Applicant	: Ms. Renu Kochar, Advocate
For Non-applicant	: Mr. D.C. Verma, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****26.11.2020**

1. This is third bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.72/2019 registered at Police Station Tikrapara, District Raipur for the offence punishable under Sections 457, 380, 411 of the Indian Penal Code.
3. The first bail application of the applicant was dismissed as withdrawn by this Court vide order dated 25.06.2019 passed in M.Cr.C. No.3075/2019. His second bail application was rejected on merits by this Court vide order dated 03.12.2019 passed in M.Cr.C. No.7526/2019 considering prima facie case against him.
4. Case of the prosecution, in brief, is that complainant Santosh Agrawal runs Jewellery shop in the name and style of Chhattisgarh Jewelers at Sidharth Chowk, Tikrapara, Raipur. In the intervening night of 1/2-2-2019, some unknown persons stole jeweleries from his shop, the total amount of Rs.76 lacs. On the memorandum of applicant, some golden ornaments worth of Rs.13,95,200/- were seized from him. Later on complainant identified some golden ornaments.
5. Counsel for the applicant submitted that the applicant is in jail since 10.02.2019, trial is not concluded yet, hence the applicant may be released on bail.
6. On the other hand, counsel for the State opposed the bail

application. However, he submitted that no criminal antecedent is reported against the applicant as per police case diary.

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 and impact of granting bail to the applicant on society are more material and important factors for disposal of the bail application.

8. This is well settled legal principle that while dealing with the bail application, the Court can neither scrutinize the evidence nor appreciate the evidence. It is only the trial Court, who can do so at the time of appreciation of the evidence.

9. Looking to the above mentioned facts and circumstances of the case and considering the totality of the facts, this Court finds that this is not a fit case where the applicant be released on bail in the third round of litigation. Consequently, his third bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of case expeditiously preferably within a period of three months from the date of receipt of certified copy of this order.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-