

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2152 of 2020**

- Tarzan Jhariya @ Deepak S/o Naresh Jhariya Aged About 23 Years R/o Heliyapara Kedarpur, Near Pahuna Shop, Ambikapur District Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station- Ambikapur, District- Surguja, Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant : Shri Amit Singh, Advocate.

For Non-applicant : Shri D.C. Verma, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****14.07.2020**

1. This is third 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 30.01.2019 passed in MCRC No. 5868 of 2019 considering the prima facie case against the applicant and his second bail application has been rejected by this Court on 26.04.2019 passed in MCRC No. 2540 of 2019 considering the prima facie case against him.
3. The applicant has been arrested in connection with the Crime No.389/2018 registered at Police Station Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 394, 392, 294, 506, 323, 325, 34 of IPC.
4. Case of the prosecution, in brief is that on 13/08/2018 about 11.30 pm at village Kedarpur, applicant and three other co-accused abused complainant Rajat Shukla, gave threatens to kill him, beat him by wooden club and iron rod

and robbed Rs. 6850/-. As per the MLC report of complainant Rajat Shukla there was injury on his head. On the memorandum of applicant Rs. 500/- was seized from him.

5. Learned counsel for the applicant submitted that the applicant is in jail since last 1 year and 11 months. Despite of the direction of this Court the trial has not been concluded. The robbed amount is only Rs. 6,850/-. Hence, the applicant may be released on bail.

6. On the other hand, counsel for the State opposes the bail application. He further submits that three other criminal cases have been registered against the applicant out of which one is under Arms Act and two are under IPC.

7. This is true that the detention period of the accused and delay in trial are considerable factors for 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 factors for the disposal of the bail application filed by the accused.

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

9. Moreover, looking to the present scenario it cannot be held that the trial Court is responsible for delay in trial.

10. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case to enlarge the applicant on bail in third round of litigation, consequently, the present bail application is rejected.

11. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE