

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3997 of 2020**

Rakesh Bhonsale S/o Sharvan Bhonsale Aged About 29 Years
Resident Of Maharaja Ke Bagiya Chandangaon, Chindwada, Police
Station Chandangaon, District Chindwada, Present Address
Bhatagaon, Sai Vila, Police Station Purani Basti, Tehsil And District
Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Police Station Kabir Nagar, Raipur
Chhattisgarh., District : Raipur, Chhattisgarh.

---- Respondent

For the Applicant	:	Mr. Mohd. Afroz Athar, Advocate
For the State	:	Mr. D. C. Verma, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**15/07/2020**

1. Heard.
2. Case diary is available.
3. This is the second bail application under Section 439 of the CrPC.
4. Earlier first bail application of the applicant was rejected by this Court vide order dated 01/05/2019 passed in MCRC No.2640/2019 considering *prima facie* case against him.
5. Perused the case diary in connection with the Crime No.150/2018 registered at Police Station Kabir Nagar, District Raipur (C.G.) for the offence punishable under Section 420 and 34 of IPC.
6. Case of the prosecution, in brief is that complainant Smt. Kamla Joshi is a resident of Kabir Nagar, Raipur. M/s. Bhosle Property India Ltd. through director co-accused Rajeev Bhosle executed an agreement for sell of disputed land with complainant at the rate of Rs. 575/- per sq.ft. The complainant gave Rs. 5,05,000/- to the applicant and co-accused Rajeev Bhosle and Rahul Bhosle. Thereafter applicant and co-accused did not execute registered sale deed in favour of the complainant. They also did not return the said consideration amount to the complainant.
7. Counsel for the applicant submitted that applicant is in jail since 08/01/2019, he is employee of M/s Bhosle Property India Ltd., the main accused are Rahul Bhosle and Rajeev Bhosle which are enlarged on bail by co-ordinate Bench of this Court on 18/06/2020, thus principle of parity applicable in case of applicant, offence is not severe in nature, the offence is compoundable, if the applicant would be released on bail the society would not be adversely affected, in present situation early conclusion of the trial is not possible, dispute is of civil in nature, hence applicant may be released on bail.
8. On the other hand, counsel for the State opposes the bail application. He

further submits that three cases under IPC are registered against the applicant.

9. Earlier on 01/05/2019 this Court has rejected the first bail application of applicant considering *prima facie* case against him. Later-on on 18/06/2020 co-ordinate Bench of this Court has granted bail of co-accused Rahul Bhosle and Rajeev Bhosle. It does not transpire from the said order of co-ordinate Bench that this aspect was considered that earlier this Court has rejected the bail application of applicant, hence at this stage principle of parity is not applicable in favour of applicant.
10. This is well settled legal position that delay in trial and detention of accused are material factors for disposal of the bail application of 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 material and important factors for disposal of the bail application filed by the accused.
11. Looking to the alleged amount of Rs.5,05,000/- it cannot be said that offence is not severe. Moreover, three other cases under IPC have been registered against the applicant.
12. Looking to the present scenario it cannot be held that trial Court is responsible for delay in trial.
13. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where the applicant may release on bail in second round of litigation. Consequently, his second bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge