

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5096 of 2020**

- Sheikh Aslam S/o Salamat Raza Aged About 27 Years R/o Village Parpodi Behind Anganbadi Police Station Parpodi, District Kabirdham (Kawardha) Chhattisgarh. At Present Address R/o Chourasiya Colony Gali, No. 3, House Of Akaram, Behind Simaram City, Police Station Tikrapara, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Tikrapara, District Raipur Chhattisgarh., Chhattisgarh

---- Non-applicant

For Applicant : Shri R.K. Dixit, Advocate.

For Non-applicant : Shri D.K.Tiwari, Dy. Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****01.09.2020**

1. Record from the trial Court received.
2. 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.
3. Earlier, the first bail application of the applicant has been rejected by this Court on 07.03.2019 in MCRC No. 1230 of 2019 considering the prima facie case against the applicant.
4. Perused the record of the trial Court Crl. Case No. 470/2019 in connection with crime No. 545/2018 registered at Police Station – Tikrapara, District – Raipur (C.G.) for the offence punishable under Sections 420, 34 of the Indian Penal Code.
5. Case of the prosecution, in brief is that co-accused Pokhendra Patel had told complainant Bharat Lal Patel that applicant will provide job of peon. Complainants Bharat Lal Patel, Ritesh Patel, Hariram Kalihari, Virendra Sahu, Netram Rajak, Bhuneshwar Sahu, Vedan Kumar Patel, Thaneshwar Patel,

Nankuram Patel, Dhalesh Kumar Patel, Naresh Patel, Sanjay Patel and Tikesh Patel had given the handsome amount to co-accused Pokhendra Patel. Co-accused Pokhendra Patel received Rs. 30,31,500/- from the complainants. When the complainants did not get the job, then the complainants met with applicant with the help of co-accused Phokhendra Patel. Applicant promised them that he will provide job very soon.

6. Learned counsel for the applicant submitted that on 19.04.2019 charges were framed but the trial is not completed, he is in jail since last 2 years, the trial is delayed, looking to the provisions of Section 437(6) Cr.P.C. he is entitled for bail, hence, he may be released on bail.
7. On the other hand, learned counsel for the State opposes the bail application.
8. 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 and material factors for the disposal of the bail application filed by the accused.
9. In the present scenario, it cannot be held that the trial Court is responsible for delay in trial.
10. The provisions of Section 437(6) of the Cr.P.C. are for trial Court. The applicant may approach the trial Court taking assistance of the said provisions.
11. 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 be released on bail in second round of litigation, consequently, the present bail application is rejected. However, the trial Court is directed to expedite the trial and dispose off the case as soon as possible after resuming the regular work of the Court.
12. Certified copy as per rules.
13. The record of the trial Court be immediately sent back to the trial Court.

Sd/-

(Sharad Kumar Gupta)
JUDGE