

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4626 of 2020**

- Saiyad Majid Ali S/o Saiyad Hasim Ali, Aged About 40 Years R/o Takiya Para, Durg, Tahsil And District- Durg, (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Supela, Durg, District- Durg- (C.G.)

---- Non Applicant

For the Applicant	:	Mr. Love Kumar Ramteke, Advocate
For Non Applicant	:	Mr. D. C. Verma, G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****30.09.2020**

1. 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.
2. Earlier, the first bail application of the applicant was rejected by this Court vide order dated 08.07.2019 passed in MCRC No.3390 of 2019 considering prima facie case against him.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.752/2018 registered at Police Station- Supela, District- Durg (C.G.) for the offence punishable under Sections 406, 34 of IPC.
4. Case of the prosecution in brief is that complainant Harendra Singh R/o Khursipar Zone-III, Bhilai had purchased a vehicle bearing registration number C.G.07 CA/9805 through Choramandlam Finance Company. On 12.04.2016 applicant Syed Mazid Ali had entered an agreement for sale of said vehicle with complainant. He received Rs.1 Lakh as an advance. Condition was that applicant Syed Mazid Ali will pay the installments of said finance company. It was the condition that if applicant failed to pay the entire due installments then said complainant will be entitled for the possession of said vehicle. Thereafter, applicant neither paid the entire installments nor returned back the said vehicle to the complainant.
5. Counsel for the applicant submitted that applicant is in jail since 27.08.2018,

this Court has already granted bail to some co-accused and applicant may also be released on bail.

6. On the other hand, counsel for the State opposes the bail application. He further submits that six other similar type of cases have been registered against the applicant.
7. This is true that delay in trial and detention period of the accused are material 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 material and important factors for disposal of the bail application filed by the accused.
8. While dealing the first bail application of applicant this Court has given the finding in Para 6 of the order dated 08.07.2019 the case of the applicant is totally different from other co-accused who have been granted bail by this Court, the case of applicant is more severe than other co-accused which are enlarged on bail by this Court.
9. Looking to the present situation it cannot be held that 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 where the applicant may be released on bail in second round of litigation. Consequently, the second bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge

parul