

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5552 of 2020**

- Pokhendra Patel S/o Lekhram Patel Aged About 34 Years R/o Village - Kamroad, Opposite Of Gayatri Temple, Police Station Khallari, District Mahasamund Chhattisgarh (As Mentioned In Order Of Learned Court Below, Originally Raipur) Chhattisgarh

---- Applicant

Versus

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

---- Non Applicant

For the Applicant	:	Mr. Vaibhav P. Shukla, Advocate
For Non Applicant	:	Mr. D. C. Verma, G. A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****28.10.2020**

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 by order dated 22.08.2019 passed in MCRC No.4682 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.545/2018 registered at Police Station- Tikrapara, District- Raipur (C.G.) for the offence punishable under Section 420 read with 34 of Indian Penal Code.
4. Case of the prosecution, in brief is that applicant had told complainant Bharat Lal Patel that he will provide him 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 applicant, he received Rs.30,31,500/- from the complainants. When the complainants did not get the job, then they met with co-accused Sheikh Aslam with the help of applicant. Co-accused

Sheikh Aslam promised them that he will provide job very soon.

5. Counsel for the applicant submitted that applicant is in jail since 26.11.2018, trial is not concluded as per the provision of 437(6) of CrPC, one prosecution witness turned hostile and did not support the prosecution case, there is no likelihood of early conclusion of trial. Hence, applicant may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant report in police case diary.
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. Mere turning hostile of some witness does not entitle the accused to be released on bail.
9. Applicant had filed the bail application under Section 437(6) of CrPC which was rejected by the trial Court against that order revision is also rejected. In spite of these facts applicant is free to further pursue the application under Section 437(6) of CrPC.
10. Looking to the above mentioned facts and circumstances of the case, 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.
11. However, trial Court is directed to expedite the trial and dispose of the case as soon as possible after resuming the regular work of the Court.

Sd/-

(Sharad Kumar Gupta)
Judge

parul