

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6255 of 2020**

- Shahnawaj Samnani S/o Late Mohammad Aziz Aged About 30 Years R/o Aman Apartment, Adarsh Nagar, Durg Tahsil And District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Durg District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Non-applicant

For Applicant : Shri Ganesh Ram Burman, Advocate.

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

For Objector : Shri P.R. Patankar, Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****05.11.2020**

1. Counsel for the applicant does not press I.A. No. 1/2020 application for grant of ad-interim bail.
2. Hence, I.A. No. 1 is rejected without considering the merits of the case.
3. The matter heard finally.
4. 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.
5. Earlier, the first bail application of the applicant has been rejected by this Court on 30.09.2019 in MCRC No. 4673 of 2019 considering the prima facie case against him and the second bail application of the applicant has been rejected by this Court on 17.03.2020 in MCRC No.

1559 of 2020 considering the prima facie case against him.

6. Perused the case diary provided by the learned counsel for the State in connection with crime No. 1107/2018 registered at Police Station – Durg Kotwali, District – Durg (C.G.) for the offence punishable under Sections 408, 420, 467, 468, 471 of the Indian Penal Code.

7. Case of the prosecution, in brief is that complainant Smt. Asha Maloo is the proprietor of the Reliance Petrol Pump namely V.M. Fuels, Ganjpara Durg. She had appointed the applicant to operate that petrol pump as manager. He was also made responsible for depositing amount on the heads of GST, EPF, ESIC etc. In the month of June, 2018 he did not deposit 4 lakh rupees to the Reliance company for the petrol supplied by that company. It was found that he had not deposited Rs. 2,90,724/- on the head of GST, EPF, ESIC. Later on he deposited forged challan, T.R.R.N. regarding Rs. 2,90,724/-

8. Learned counsel for the applicant argued that applicant is in jail since 22.04.2019, while dealing the second bail application this Court had directed the trial Court to expedite the trial and dispose off the case as soon as possible but there is no material progress in trial, thus he may be released on bail.

9. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no antecedent against the applicant.

10. 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.

11. In the present scenario, it cannot be held that the trial Court is responsible for delay in trial.

12. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where applicant may be released on bail in third 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.

13. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE