

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 218 of 2020**

1. Ashok Patel S/o Shri Lakhan Lal Patel Aged About 35 Years R/o Village Pendari, Police Station Nawagarh, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh
2. Toshan Kumar Patel S/o Shri Santosh Patel Aged About 31 Years R/o Village Pendari, Police Station Nawagarh, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicants**Versus**

- State Of Chhattisgarh Through The Station House Officer Police Station Janjgir, District Janjgir-Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Non-applicant

For Applicants : Shri Ashutosh Shukla, Advocate.

For Non-applicant : Shri D.C.Verma, G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****03.02.2020**

1. This is third bail application under Section 439 of the Cr.P.C. preferred by the applicants before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicants was dismissed for want of prosecution vide order dated 09.08.2019 passed in MCRC No. 4105 of 2019 and the second bail application of the applicants was dismissed as withdrawn vide order dated 18.11.2019 passed in MCRC No. 6619 of 2019.
3. Perused the Case Diary provided by the learned counsel for the State in connection with crime No. 232/2018 registered at Police Station – Janjgir, District – Janjgir- Champa (C.G.) for the offence punishable under Sections 419, 420, 467, 468, 34 of Indian Penal Code.

4. Case of the prosecution, in brief is that one complainant Arjun Singh has died in year 2006. Another complainant Sarju Singh is his brother. Applicants and another co-accused Dileep Gond hatched conspiracy, applicants affixed their photographs in place of Sarju Singh and deceased Arjun Singh and taken a loan of Rs.5,16,930/- from the Corporate Bank Janjgir.
5. Learned counsel for the applicants argued that in the case in hand investigation has been completed, the offence is triable by JMFC, applicants are in jail since 03.05.2019, co-accused Dileep Gond has admitted that he has taken the alleged loan, no recovery made from the applicants, thus they may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. This is true that detention period of accused and delay in trial are material factors for disposal of the bail application filed by the accused but equally it is also true that seriousness of the offence, an impact of granting bail to the accused on society are more material and important factors. This is well settled legal position that confessional statement made before the Police is not admissible in evidence.
8. Mere this fact that there is no recovery from the applicants, is not sufficient ground to enlarge the applicants on bail.
9. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case to enlarge the applicants on bail in third round of litigation, consequently, the present bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
JUDGE