

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 356 of 2020**

- Nirmal Dhaneliya S/o Late Ramcharan Dhaneliya Aged About 34 Years R/o -7 Bhai Ji Road, Laxmi Ganj, Gwalior M. P. Present Address Maya Enclave 06, Lamba Kheda Road, Karaud Bhopal District Bhopal M. P.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Darri, District Korba Chhattisgarh

---- Respondent

For applicant	Mr. Basant Dewangan, Adv.
For Respondent/State	Mr. Raghvendra Verma, GA

Hon'ble Shri Justice Sharad Kumar Gupta**Order on Board****18-2-2020**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and his no bail application is pending before any other court. His first bail application MCRC No. 5433/2018 was dismissed as withdrawn vide order dated 24-10-2018.
2. The applicant has been arrested in connection with Crime No. 43/2016 registered in police station Darri, Distt. Korba (CG) for offence punishable under Sections 420, 406, 467, 120(b) of the IPC and Sections 4, 5 and 6 of the Prize Chits and Money Circulation Schemes (Banning) Act, 1978.
3. Perused the case diary.
4. Prosecution story in brief is that complainant Dilip Kumar Khunte, Shyam Kumar Patel, Ashok Kumar Nirmalkar, Ramesh Gupta, Krishna Kumar Patel and Ajay Kumar Rathore had invested handsome amount in Shri Ram Real Estate Company. The applicant and other co-accused persons were Directors in that company. Thereafter, they closed that company and did not return the amount to the depositors. Complainant Dilip Kumar Khunte had invested Rs. 23 lacs in that company.
5. Counsel for the applicant argued that the applicant is innocent and falsely implicated. He further submits that material witnesses have been examined who did not say against the applicant. The applicant is in jail since 2 ½ years. Hence he may be released on bail. He drew

my attention on the certified copy of the statements of P.W. 1 Dharmendra Kumar Sahu, P.W. 2 Ajay Kumar Rathore, P.W. 3 Shyam Kumar Patel, P.W. 4 Ashok Kumar Nirmalkar, P.W. 5 Manoj Kumar Shrimor, P.W. 6 Haran Sarkar, P.W. 7 Dilip Kumar, P.W. 8 Krishna Kumar Patel and P.W. 9 Ketram Yadav.

6. On the other hand, the State Counsel opposed the bail application. However he submits that no criminal antecedent of the applicant is mentioned in the police case diary.
7. In the case in hand, some more witnesses have to be examined.
8. This is well settled legal position that at this stage Court can neither scrutinize the evidence nor appreciate it.
9. This is also true that delay in trial and detention period of the accused are considerable factors for disposal of bail application. But equally it is also true that seriousness of the offence, effect of granting bail to the accused on society are more material and important factors for disposal of the bail application.
10. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail to the accused on the society, this Court is not inclined to grant bail to the applicant in second round of litigation.
11. Consequently, this second bail application is rejected.

Sd/-
(Sharad Kumar Gupta)
Judge