

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 8459 of 2019**

- Dinesh Tandon S/o Sakharam Tandon Aged About 28 Years R/o Ranjhabhata, P.S. & Tehsil Navagarh, District- Janjgir-Champa, Chhattisgarh

---- Applicant

**Versus**

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

---- Non Applicant

|                   |   |                           |
|-------------------|---|---------------------------|
| For the Applicant | : | Mr. Ajay Ayachi, Advocate |
| For Non Applicant | : | Mr. D.C. Verma, G.A.      |

**Hon'ble Shri Justice Sharad Kumar Gupta****Order On Board****15.01.2020**

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 30.04.2019 passed in MCRC No.2595 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.673/2018 registered at Police Station- Janjgir-Champa (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 201/34 of IPC.
4. Case of the prosecution in brief is that applicant had filed some alleged forged bills in a claim case filed on behalf of his minor child before the MACT, Janjgir Champa. It is alleged that co-accused Ramkripal had prepared the forged bills and handed over it to the applicant.
5. Counsel for the applicant submitted that some witnesses have been examined. Applicant is in jail since 13.02.2019. He drew my attention

on Para No.6 of certified copy of statement of P.W.-4 Bajrang Prasad which is the part of the bail application, who is the owner of Suresh Restaurant. He further drew my attention on Para No.3 of certified copy of statement of P.W.-9 Jitendra Rathore which is the part of the bail application, Secretary Apollo Hospital, Bilaspur.

6. P.W.-4 Bajrang Prasad had stated in Para No.3 that bills for sum of Rs.5,000/- issued in the name of applicant was not issued by him.
7. This is well settled legal position that while dealing with the bail application Court can neither scrutinize the evidence nor appreciate the same.
8. This is also established legal principle that while dealing with the bail application Court cannot touch the merits and demerits of the case.
9. This is true that detention period of the accused is a material factor for deciding his bail application but equally it is also true that seriousness of the offence and impact of granting bail to the accused on society are more relevant and material factor.
10. Considering 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.
11. Consequently his second bail application is rejected.
12. However trial Court is directed to expedite the trial and dispose of the case as soon as possible. He is also directed to submit the progress report in every two months from the date of receipt of copy of this order.

**Sd/-**

**(Sharad Kumar Gupta)**  
Judge

*Parul*