

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5687 of 2021**

Sheikh Hashmuddin, S/o Sheikh Kamruddin, aged about 35 years, R/o –
 Umarwahi, P.S.- Dongarhgaon, District Rajandgaon (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, through : S.H.O., P.S. Dondilohara, District – Balod (C.G.)

----Non-applicant

For Applicant	:	Mr. Avinash Chand Sahu, Advocate.
For Non-applicant	:	Mr. Dinesh Tiwari, Dy. Govt. Advocate.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****23-11-2021**

1. The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 145/2020 registered at Police Station Dondilohara, District Balod (C.G.) for commission of offence punishable under Sections 420, 467, 468, 471 read with Section 34 of IPC.
2. Case of the prosecution, in brief, is that applicant alongwith other co-accused persons have taken an amount of Rs. 2,00,000/- from complainant in order to secure employment for the complainant and even they have also given appointment letter of Forest Department to the complainant, which was found fake & forged. Hence, on the basis of written complaint filed by complainant Ramkumar Kothari, present crime was registered against the applicant. After investigation, charge-sheet under Sections 420, 467, 468, 471 read with Section 34 of the IPC was filed against the applicant.
3. Learned counsel appearing for the applicant would submit that applicant has been falsely implicated in the crime in question as there is no document with regard to

transaction of money between applicant and the complainant. He would also submit that applicant is in detention since 22.9.2020; charge-sheet has been filed and conclusion of the trial is likely to take considerable time, hence, the applicant may be enlarged on bail.

4. Per contra, learned counsel appearing for the State vehemently objected the submissions made by counsel for the applicant stating that based on written complaint filed by the complainant naming the applicant, present crime has been registered against him. He would next submit that as per impugned order, applicant and other co-accused persons have been convicted in Criminal Case No. 636/2014 (*State of Chhattisgarh v. Neelkanth & two others*) vide judgment dated 5-4-2019 for the similar offence and now this is second crime registered against the applicant, which shows that they are habitual offender of such crime, therefore, bail application filed by the applicant is liable to be rejected.

5. I have heard learned counsel appearing for the parties and perused the case diary as well as material available on record.

6. Considering the facts & circumstances of the case, nature & gravity of the offence, also taking into consideration the fact that as per impugned order, applicant & other co-accused persons have also been convicted in another criminal case of similar nature, which shows that he is habitual offender of such crime, I am of the view that it is not a fit case for grant of bail to the applicant. Thus, the bail application filed by the applicant is rejected. However, looking to the detention period of the applicant, the trial Court is directed to expedite the trial.

Sd/-
(N.K.Chandravanshi)
Judge

D/-

