

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7224 of 2020**

Rahul Bhosle, S/o Shri Shrawan Bhosley, aged about 26 years, R/o Rawatpura Colony, Behind Rajesh Kirana Stores, Bhatagaon, Police Station Purani Basti, Tahsil and District Raipur (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station Gol Bazar, Raipur, District Raipur (CG).

---- Non-applicant

For Applicant	: Mr. Tarun Dansena, Advocate
For Non-applicant	: Mr. D.C. Verma, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****11.01.2021**

1. This is third bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.42/2018 registered at Police Station Gol Bazar, Raipur, District Raipur for the offence punishable under Sections 420, 34 of Indian Penal Code.
3. The first & second applications of the applicant were rejected on merits by this Court vide orders dated 07.09.2018 & 09.01.2019 passed in M.Cr.C. No. 5975/2018 & M.Cr.C. No.9325/2018 respectively considering *prima facie* case against him.
4. Case of the prosecution, in brief, is that the applicant and co-accused Rajeev @ Raju Bhosle and Rakesh Bhosle are proprietor of Bhosle Consultancy. The applicants had taken huge amount from 24 persons and executed agreement for giving delivery of possession of super built houses, but later the applicant did not fulfill their promises and did not give possession of the super built houses to the concerned complainants nor returned back the money taken from them.
5. Counsel for the applicant submitted that in the case in hand, two prosecution witnesses namely Navratan Kumar Kesharwani (P.W.2) and Umesh Kumar Dhomney (P.W.3), who are also the complainants turned hostile and did not support the prosecution case. In support of his case, he drew my attention on para No.2 of photocopy of statement of

Navratan Kumar Kesharwani (P.W.2) and paras No.3 & 4 of photocopy of statement of Umesh Kumar Dhomney(P.W.3), which are the part of bail application. He further submitted that on the strength of aforesaid statements, the applicant may be released on bail.

6. On the other hand, counsel for the State opposed the bail application.

7. Mere turning hostile of some prosecution witnesses are not sufficient to enlarge the applicant on bail. Moreover, in the case in hand, number of prosecution witnesses are to be examined. Moreover, Navratan Kumar Kesharwani (P.W.2) had stated against the applicant in para No.7 during examination-in-chief. In these circumstances and looking to this fact that the applicant and other co-accused had taken huge amount from 24 persons.

8. Looking to the above mentioned facts and circumstances of the case, this Court finds that this is not a fit case where the applicant be released on bail in the third round of litigation. Consequently, his third bail application is rejected. However, the trial Court is directed to expedite the trial and dispose of case as soon as possible from the date of receipt of certified copy of this order.

9. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

L/-