

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 340 of 2021**

- Rajeev @ Raju Bhosle S/o Shri Shrawan Bhosle Aged About 33 Years R/o Rawatpura Colony, Behind Rajesh Kirana Stores, Bhatgaon, Police Station Purani Basti, Raipur, Tahsil And District Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station Gol Bazar, Raipur, District Raipur, Chhattisgarh

---- Non Applicant

For the Applicant	:	Mr. Keshav Prasad Gupta, Advocate
For Non Applicant/State	:	Mr. Raghvendra Verma, G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****04.02.2021**

1. This is third 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 07.09.2018 passed in MCRC No.5975 of 2018 considering prima facie case against him, his second bail application was also rejected by this Court vide order dated 09.01.2019 passed in MCRC No.9325 of 2018 considering prima facie case against him.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.42/2018 registered at Police Station-Gol Bazar, Raipur, District- Raipur (C.G.) for the offence punishable under Sections 420/34 of the Indian Penal Code.
4. Case of the prosecution in brief is that the applicant and co-accused Rakesh Bhosle and Rahul Bhosle are proprietor of Bhosle Consultancy. The applicant and co-accused Rakesh Bhosle and Rahul Bhosle had taken huge amount from 24 persons and executed

agreement for giving delivery of possession of super built houses, but later the applicant and co-accused Rakesh Bhosle and Rahul Bhosle 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 applicant is in jail since 23.05.2018, applicant was not under obligation to give the possession to concerned complainants. He drew my attention on Para 11 of the statement of the photocopy of P.W.3 Umesh Kumar Dhomne which is the part of the bail application. Hence, applicant may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. This is true that delay in trial and detention period of the accused are material factors for disposal of the bail application filed by the accused. But equally it is also true that seriousness of the offence and impact of granting bail to the accused on society are more material and important factors for disposal of the bail application filed by the accused.
8. This is well settled legal position that while dealing the bail application Court neither can scrutinize the evidence nor appreciate the evidence.
9. Looking to the above mentioned facts and circumstances of the case, looking to this fact that applicant and other co-accused Rakesh Bhosle and Rahul Bhosle had taken huge amount from 24 persons, this Court finds that this is not the fit case where the applicant may be released on bail in third round of litigation. Consequently, the third bail application is rejected.
10. However, trial Court is directed to expedite the trial and dispose of the case as soon as possible.

Sd/-

(Sharad Kumar Gupta)
Judge