

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1006 of 2015

Chitrasen Sahu S/o Late Dashrath Lal Sahu Aged About 47 Years R/o Village & Post
Megha, Tahsil Kurud, Distt. Dhamtari Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Khamtarai,
Raipur, Distt. Raipur Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Fouzia Mirza, Advocate.
For State	:	Mr. Satish Gupta, Government Advocate.

Order On Board

15/10/2015

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.232/2015 registered at Police Station- Khamtarai, Raipur, District-Raipur (C.G.) for alleged commission of offence under Section 420, 467, 468, 471, 120B of IPC.
2. Case of the prosecution is that the co-accused Rajendra Gupta along with his wife and brother cheated complainant Yogesh Sharma by assuring that he will secure appointment as he has very good rapport with officials. It is alleged that on such fraudulent misrepresentation, the complainant gave Rs.9 lacs for arranging employment for Tarun Sharma, Mukesh Sharma and Pawan Sharma. Forged appointment letter was given which was not accepted. Thereafter, report was lodged in the police station. The allegation against the applicant is that the applicant was also one of the associate, who was introduced as railway officer.
3. Learned counsel for the applicant submits that in so far as the present applicant is concerned, his involvement is highly doubtful and smacks of false implication. It is submitted that in the written complaint as also in the FIR registered by the police on the basis of written report, the name of the applicant does not figure though the name of Anand Khobragade, Qureshi and Sarkar Borvale appeared as associate of Rajendra Gupta, Harish Gupta and Asha Gupta. The involvement of the applicant is based on the memorandum of Rajendra

Gupta. It is submitted that the contents of the memorandum that the applicant was one of those associates, who was introduced as railway officer, is wholly improbable because the complainant Yogesh Sharma or any other prosecution witness whose diary statement collected so far, nowhere say that any person was introduced to them or their meeting was arranged by fraudulently misrepresenting them as railway officer. The name of the present applicant has appeared in the case diary statement only subsequent to recording memorandum whereas in the FIR and in the written report, the applicant has not been named.

4. On the other hand, learned counsel for the State opposes prayer and submits that in the memorandum, the main accused Rajendra Gupta has stated that in the matter of cheating to collect huge amount, the applicant is also involved along with him, therefore, in order to find out the details, custodial interrogation of the applicant is necessary.

5. Considering the submission of learned counsel for the applicant that in the FIR and in the written report, though all other accused have been named but the present applicant has not been named and further that the story of complainant being introduced to the applicant, as contained in the memorandum statement of Rajendra Gupta, does not find place either in the written report or in the case diary statement, possibility of false implication cannot be ruled out, therefore, the application is allowed.

6. Accordingly, it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

Manindra Mohan Shrivastava
J U D G E