

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5646 of 2015

Mohammad Imran Kadari, S/o. Mohammad Iqbal Kadari, Aged about 26 Years, R/o. Pensionbada, Police Line, P.S. Tehasil and District Raipur, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station-Ganj, Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Vaibhav P. Shukla, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2015

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.31/2015 registered at Police Station- Ganj, Raipur (C.G.) for the offence punishable under Section 420 of IPC.
2. Case of the prosecution is that the complaint was lodged by one Hiralal Sahu that his son Dhaneshwar Prasad who filled the form for recruitment to the District Police Force and when the physical test was scheduled on 22.10.2012 before that the complainant came in contact with the accused and on his demand, the complainant paid the amount of Rs.3,10,000/- i.e. Rs.60,000/- on 15.10.2012 and next Rs.2,50,000/- on 20.10.2012 to the accused. Subsequently, the son of the complainant was not selected and when the money was asked back, the accused denied and therefore, the report was lodged in the year 2015.

3. Learned counsel for the complainant would submit that totally false averments have been made against the applicant. He further submits that no amount was paid by the complainant at any stage and due to enmity, the false averments have been made; therefore, the applicant may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the fact that the applicant himself was working in the police department and in order to provide the job in the police department received money on two occasions, therefore, considering the statement apparently it do not appear to prima facie upset the case of prosecution. The statement are to be tested before the Court below. When a person working in the department indulges himself in such commission of crime like nature then the very recruitment process itself comes under the cloud and even if, such recruitment are not made, the person cannot be allowed to take advantage of unemployment prevailing in the country. Therefore, considering the nature of offence and the effect of it in the society, I am not inclined to allow this bail application.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge