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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1693 of 2016**

Harish Gupta, aged about 35 years, S/o Shri Bhairav Prasad Gupta, R/o Rampur, Police Station – Lalbag, Tahsil Dongargaon, District Rajnandgaon (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh Through – Station House Officer, Police Station – Khamtarai, District Raipur (C.G.)

----Non-applicant

For Applicant: Mr. Ashish Gupta , Advocate.
For Non-applicant/State: Mr. Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****30/03/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 232/2015 registered at Police Station Khamtarai, Raipur, District Raipur for the offences punishable under Sections 420, 467, 468, 471 & 120-B of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that co-accused persons obtained huge money i.e. Rs. 9,00,000/- for providing employment to complainant Yogesh Sharma and applicant obtained Rs. 2 lakhs from the complainant for the same and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as he has not committed any offence. He further submits that similarly situated co-accused person namely Smt. Asha Gupta (Jayanti) has been granted regular bail by this Court whereas other co-accused person namely Chitrasen Sahu has been granted anticipatory bail by this Court and the applicant is in jail since 24.02.216 and, therefore, he may also be released on bail on the ground of parity.

(4) On the other hand, learned counsel for the State submits that case of the present applicant is distinguishable to the other co-accused persons, who have been granted bail by this Court, therefore, the applicant is not entitled for regular bail.

(5) Taking into consideration the nature and gravity of the offences; further considering the fact that case of the present applicant is distinguishable to the other co-accused person, who have been granted regular bail as well as anticipatory bail by this Court as allegation against the present applicant is that he obtained Rs. 2 lakhs from the complainant for providing employment to him, I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

