

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1365 of 2017

Rakesh Kumar Sahu, S/o. Sadharam Sahu, Aged About 24 Years, R/o. Sakri, Village Palari, District Balouda Bazar, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station- Azad Chowk, Raipur, District Raipur, Chhattisgarh.

---- Respondent

For Applicant : Ms. Fouzia Mirza, Advocate

For Respondent : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/03/2017

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.4/2017 registered at Police Station- Azad Chowk, Raipur (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code.
2. As per the prosecution case, one Dinesh Kumar Yadav and six others made a report on 08.09.2016 that they have undergone a course which was advertised by the Modern Institute of Fire & Safety, which assured that after going through the course they would be getting the job. Thereafter, for one year after payment of Rs.50,000/- they underwent the course but neither the certificate nor any job was provided; thereby fraud has been committed.
3. Learned counsel for the applicant would submit that the entire allegation itself is completely frivolous as the complainants had availed the training and their course in lieu of the payment. It is stated that they were imparted training and education, which do not mean that it will ensure into providing job. It is submitted that in

the application also, no assurance to provide job is given. It is further submitted that the present applicant was a faculty member in such institute and the owner of the institute namely Bahauddin Ahmad has been enlarged on anticipatory bail by the trial Court and the case of the present applicant is better than the case of the person who has been enlarged on bail, therefore, the applicant who is in jail since 10.01.2017 may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perusal of the anticipatory bail order dated 21.02.2017 placed on record would show that one of the Director has been enlarged on bail by the trial Court. The Court is of opinion that trial Court failed to take into notice the role played by this applicant specially in view of the fact that the main Director of firm was enlarged on anticipatory bail by the same Court. Perused the case diary, documents as also the certificates. It appears that the present applicant was working in the said institution. Considering the role played by the present applicant, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge