

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4418 of 2017

- Jaleshwar Cheskar S/o Late Shri Lakhanlal Cheskar, Aged About 25 Years, R/o. Talapara, Sanjay Nagar, Tahsil and District Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, through Station House Officer, Police Station - Sarkanda, District Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Awadh Tripathi, Advocate.

For Non-applicant/State – Shri Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-10-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant was arrested on 28-05-2017 in connection with Crime No.288/2017 registered at P.S. Sarkanda, District Bilaspur, C.G. for the offence under Section 420, 34 of the IPC.

2. It is submitted on behalf of the applicant that Krishi Avam Pashupalan Bahuuddesiya Sahakari Samiti Maryadit, Bilaspur, C.G. is a registered society, of which President is Dinesh Bharati and General Manager is Vijay Pratap. Advertisement was floated inviting applications for various employment by the said Samiti, to which the applicant responded. The applicant was appointed and given employment in this Samiti on monthly salary. An agreement was executed between the office bearers of the Samiti, in which Rs.2,50,000/- was taken from the applicant as security money. Similarly other persons appointed by the Samiti also deposited security money. The applicant and other persons employed worked for whole a year and received salary only for two months. Thereafter, the Samiti closed down its project, no payment of arrears of salary

was made to the applicant and other employees, neither the security deposit was refunded. The applicant has been implicated only for the reason as the Samiti had given him responsibility to distribute salary to other employed persons. Hence, it is prayed that the applicant has not been engaged in any of the act of the offence committed in this case. Therefore, he may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made in this respect. It is submitted that the applicant had been instrumental in carrying out the activity of the said Samiti, which committed this fraud in the huge scale with the help of the applicant. Evidence against the applicant collected in the investigation is sufficient for his prosecution. Hence, it is prayed that the applicant is not entitled for grant of bail.

4. Heard learned counsel for both the parties and perused the case diary.

5. After considering the rival submissions and the contents of the case diary, this appears to be a fact that the applicant was not one of the office bearers of the said Samiti, the documents which has been produced with the application also show that the applicant has a case to defend. Hence, for these reasons the application deserves to be allowed.

6. Consequently, the application (MCRC No.4418/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

7. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge