

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3520 of 2017

- Keshav Patel @ Krishna Gopal Patel S/o Shri Anandi Lal Aged About 35 Years R/o Sidhpur, Police Station Dharampur, District- Panna, Madhya Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station Devendra Nagar, District- Raipur, Chhattisgarh.

---- Respondent

And

MCRC No. 4913 Of 2017

- Rajesh Khande S/o Bheem Prasad Khande, Aged About 44 Years R/o Village Hirri Post Bada Godam Raigarh, District Raigarh, Chhattisgarh, Presently R/o House No. 1338, Sec.-8, Housing Board Colony, Raipur, District Raipur, Chhattisgarh

---- Applicant

Vs

- State Of Chhattisgarh Through P.S. Devendra Nagar, District Raipur, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Awadh Tripathi & Ms. Arpana Singh, Advocates.
For Respondent/State	:	Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/11/2017

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both the above applications are first bail applications filed under

Section 439 of the Code of Criminal Procedure, for grant of regular bail to the applicants who have been arrested in connection with Crime No. 122/2016, registered at Police Station- Devendra Nagar, District – Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 201, 34 of Indian Penal Code (for short 'IPC').

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. As per applicant Keshav Patel, applicant Rajesh Khande was his associate. There had been an oral agreement between applicants and Mukesh Patidar, who was Director of NEOK Technology and Solution Private Ltd Company, a company engaged in manufacturing of machines and electronic equipments which are being used for preparation of Aadhar Card, Smart Card, number plates etc. As per contract, the franchise was to be given to the applicants and to other persons interested. It was on the request made by Mukesh Patidar, applicants along with others contacted the complainant & others and received amounts for purchasing machines, equipments and also for providing them franchise of the company owned by Mukesh Patidar. Said Mukesh Patidar withdrew himself from the agreement because of which applicants failed to supply the machines, equipments and provide franchise, as promised to the persons concerned, which resulted in filing of complaint against the applicants. The applicants are in jail since 05.12.2016 & 20.11.2016 respectively. The trial is without any progress. The applicants are ready to abide by all the conditions that may be imposed while granting bail to them. Therefore, it is prayed that the applicants be enlarged on regular bail.
4. Learned counsel for the respondent/State opposes the applications

and submissions made in this respect. It is submitted that as per the memorandum statement given by the applicants, they had received almost Rs. 22 lakhs from various persons by making false promises of supplying the machines required for the preparation of Aadhar Card etc. and providing them franchise of the same. It is also admitted by them in their confessional statement that they entered into agreement with the said persons by forging signature of Mukesh Patidar on the agreement. Hence, the offence of cheating and forgery is clearly made out in this case against the applicants and therefore they are not entitled for grant of regular bail.

5. Heard both the parties and perused the case diary.
6. Allegation against the applicants is that they have cheated complainant Balmukund Sahu and others by obtaining Rs.22 lakhs from them on the pretext of providing them franchise and the machines which are used for preparation of number plates, Aadhar Card, Smart Card etc. Charge-sheet has already been filed after completion of investigation.
7. Taking into consideration the facts and circumstances of the case, in particular the statement of Mukesh Patidar, and further considering that the case is triable by Judicial Magistrate and the disposal of trial is likely to take some time for its conclusion, this Court feels that no fruitful purpose would be served in keeping the applicants in custody till the conclusion of trial, hence, it is a fit case for grant of bail.
8. Accordingly, it is directed that applicants shall be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha