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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5907 of 2017**

Loknath Patel S/o Shri Chintamani Patel, Aged About 22 Years R/o Village Chanat, P. S. Basna, Civil & Revenue District Mahasamund, Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Respondent

And**M.Cr.C. No. 6185 of 2017**

Kailash Urkude S/o Ramesh Kumar Urkude Aged About 37 Years R/o Santoshi Nagar, Ward No. 25, Bhilai Power House, Tahsil And District Durg, Chhattisgarh.

---- Petitioner

Vs

State Of Chhattisgarh Through Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Respondent

And**M.Cr.C. No. 6494 of 2017**

1. Santosh Kohane S/o Late Shri Subhash Kohane Aged About 45 Years R/o L. I. G. 02/1082, Dhancha Bhawan, Kurud, Police Station Jamul, Civil And Revenue District Durg, Chhattisgarh.
2. Hariram Kumbhalwar S/o Janakrao Kumbhalwar Aged About 28 Years R/o Lalkhadan, Behind Samudayik Bhawank, Torwa, Bilaspur, At Present R/o Spriti Nagar, Durg, Chhattisgarh.

---- Petitioners

Vs

The State Of Chhattisgarh Through The Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.

---- Respondent

And**M.Cr.C. No. 6482 of 2017**

Vallabh Pandey S/o Shri Girish Chand Pandey Aged About 30 Years R/o 67 / 1 F Tilak Nagar Allapur Allahabad Police Station Jarj Town Civil & Revenue District Allahabad Uttar Pradesh.

---- Petitioner

Versus

State Of Chhattisgarh Through Station House Officer, Police Station
Dongargaon, District- Rajnandgaon, Chhattisgarh.

---- Respondent

And

M.Cr.C. No. 6530 of 2017

Akash Sharma S/o Shri Rajendra Prasad Sharma Aged About 29
Years R/o Village Uslapur, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through Police Station Dongargaon, District
Rajnandgaon, Chhattisgarh.

---- Respondent

For the Petitioners	:	Shri Sunil Sahu, Shri F.S. Khare, Shri Punit Ruparel and Ms. Sharmila Singhai, Advocates.
For the Respondent/State	:	Shri O.P. Sahu, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

24.10.2017

1. Heard.
2. All these applications are being decided by this common order as they arise from the similar matter. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them, who have been arrested in connection with Crime No.158 of 2017, registered at Police Station – Dongargaon, District – Rajnandgaon, Chhattisgarh for the offences punishable under Sections 420, 467, 468 and 471/ 34 of the Indian Penal Code. Charge-sheet has been filed and Criminal Case No. 2253 of 2017 is pending before the Judicial Magistrate First Class, Rajnandgaon.

3. Learned counsel for the applicants submit, that the applicants in these cases have been falsely implicated and the applicants in all the cases were appointed by Utpal Seva Sansthan, a Registered Society (NGO) of Sultanpur, Uttar Pradesh, to run a programme named Pandit Deen Dayal Upadhyay Siksha Karyakram. The applicants were informed by the office bearers of the NGO that the programme is approved by the Central Government. Believing that fact as per the instructions and directions given by the office bearers of the said NGO they have acted by appointing teachers for providing tuition to the students of the selected areas, it was also on the direction of the office bearers of the NGO, the applicants have collected an amount of Rs.52/- from the students of the BPL category and Rs.56/- from the students of the other categories. The amount which was collected and received by applicant – Akash Sharma (M.Cr.C. No. 6530 of 2017) in turn, deposited with applicant – Vallabh Pandey (M.Cr.C. No. 6482 of 2017). It is submitted that none of the applicants was beneficiary of the amount so collected. On the other hand, after collection of the petty amount, the students were enrolled and provided with stationery and other materials by the members of the NGO, costing much more than that was received. No fraud has been committed by any of the applicant. Hence, it is prayed that the applicants were enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted, that firstly the letter of grant which has been seized in the investigation, purported to be issued by the Central Government, is apparently a fake letter. Secondly, no authorization or approval was taken from the State or District Authorities, where the so-called programme was run by the

applicants. The memorandum statement of Akash Sharma clearly reveals that he has received an amount of collection to the tune of Rs.59,00,000/- and handed over to applicant – Vallabh Pandey which is totally unaccounted. Hence, the offence of cheating, misappropriation and forgery of documents is clearly made out. Hence, the applicants are not entitled for grant of bail.

5. Heard counsel for both the parties and perused the case diary.

6. All the applicants have stated that they have been appointed by the State NGO and had been working on the instructions and directions received from the office bearers of the NGO. The memorandum statement of Akash Sharma discloses that he has transferred the collected amount to applicant – Vallabh Pandey and the same amount which has been seized during the investigation, whereas in the memorandum of Vallabh Pandey which has been recorded twice, he has admitted that he received an amount of Rs.59,00,000/- from Akash Sharma and returned Rs.54,00,000/- to Akash Sharma, however, in the second memorandum statement he has stated that after receiving the amount, he purchased the stationery items for providing them to the members of the NGO functioning in Chhattisgarh.

7. After considering the facts and circumstances of the case and the material in the case diary, I am of the view that applicants – Loknath Patel, Kailash Urkude, Santosh Kohane, Hariram Kumbhalwar and Akash Sharma are entitled for grant of bail, whereas considering the case of applicant – Vallabh Pandey, looking to his involvement and his position and authority in the said NGO he does not deserve to be released on bail. Hence, M.Cr.C.

Nos. 5907 of 2017, 6185 of 2017, 6494 of 2017 and 6530 of 2017 are allowed and M.Cr.C. No. 6482 of 2017 is rejected.

8. It is directed that applicants – Loknath Patel, Kailash Urkude, Santosh Kohane, Hariram Kumbhalwar and Akash Sharma shall be released on bail on each of them 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 their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge