

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8625 of 2016

- Raju @ Rajkumar Meshram S/o Late Gendlal Meshram, Aged About 50 Years R/o Ambedkar Chowk, Shantinagar, Ward No. 10, Rajnandgaon, Thana- City Kotwali, Rajnandgaon, Civil And Revenue District- Rajnandgaon Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station- Khamtarai, Civil And Revenue District- Raipur Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent/State : Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18-01-2017

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 on 3-11-2016 in connection with Crime No. 232 of 2015, registered at Police Station Khamtarai, District Raipur (CG) for the offence punishable under Sections 420, 467, 468, 471 & 120-B of the IPC.
2. As per prosecution case, co-accused Rajendra Gupta along with his wife and brother cheated complainant Yogesh Sharma by assuring that he will secure appointment as he has very good rapport with officials. It is alleged that on such fraudulent misrepresentation, the complainant gave Rs. 9 lakhs for arranging employment for Tarun Sharma, Mukesh Sharma and Pawan Sharma. Forged appointment letters were also given. Thereafter, report was lodged in Police Station. The allegation against the present applicant is that he is also associate, who was introduced as railway official.

3. Learned counsel appearing for the applicant would submit that present applicant has not played any role and he was shown as clerk in the Railway Department. However, neither seizure has been made nor any evidence is available against the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 3-11-2016 and no further investigation is required, therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail and would submit that bail of like nature of other co-accused Anandram Khobragarhe was dismissed vide order dated 21-1-2016 passed by this Court in M.Cr.C.No.95 of 2016 as he was shown as an Railway Official by false personification.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the statement of the complainant wherein it is stated that present applicant was shown as Senior Clerk in the Railway Department and the statements of Tarun Sharma and Mukesh Sharma wherein it is stated that the present applicant was shown as Sarkar, who is clerk in the Railway Department and thereafter the applicant along with other co-accused persons received the amount to provide job and the present applicant appeared as clerk in the Railway Department by false personification.
7. Taking into consideration the facts and circumstances of the case and further considering the statements of the complainant and the way offence has been committed, I am not inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju

