

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5050 of 2017

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

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Khamtarai, Civil & Revenue District- Raipur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Sharma, Advocate

For Respondent : Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01.08.2017

1. This is the second 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.232/2015 registered at Police Station- Khamtarai, District Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471 & 120-B of Indian Penal Code. The first bail application was dismissed on merit on 18.01.2017 in MCRC No.8625 of 2016.
2. As per the 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 for the applicant would submit that the complainant Tarun Sharma & Mukesh Sharma have been examined and they have not stated anything against the present applicant, therefore, the applicant may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of Yogesh Sharma wherein he has stated that in order to get job when he went alongwith others to Nagpur, a person was introduced as an official in the Railway named as Sarkar. The earlier bail rejection order shows that the present applicant was projected as Sarkar, therefore, this fact has to be ascertained by the trial Court after evaluating the entire evidence on record. Prima facie, it reveals the involvement of the applicant in the alleged offence. Therefore, at this stage, it is not proper for this Court to evaluate the statement of the witnesses and give a finding while hearing the bail application, as it would amount to usurp the power of the trial Court. Considering the same, I am not inclined to allow the instant second bail application and release the applicant on bail.
6. Accordingly, the second bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge