

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8076 of 2017

- Dinesh Bhartiya S/o Late Manharan Lal Bharti, Aged About 45 Years
R/o Godadih Police Station Pachpedi, Tahsil Masturi, District Bilaspur
Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Bilaspur
Chhattisgarh.

---- Respondent -

For Applicant : Mr. K.M. Ansari, Advocate.
For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/02/2018

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. 288/2017, registered at Police Station- Pachpedi District – Bilaspur(C.G.) for the offence punishable under Section 420, 34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 13.9.2017. Material placed in the charge sheet filed before the Court are not sufficient to make out any case against the applicant. The real dispute between the applicant, President of Krishi evam Pashupalan Bahuddeshiya Sahkari Samiti Maryadit (society) and the complainant had been that the complainant and others who are employed by the said society were not paid salary for some time as a result of which a report has

been lodged by the complainant. In this situation, it cannot be said that the applicant has committed the offence of cheating. He further submits that some of the co-accused persons have already been granted bail by the concerned Courts. Hence, it is prayed that applicant may also be released on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant was the President of the society where the complainant and others were engaged and exploited without paying any salary to them. Apart from that the complainant and others, who were given employment, have been made to deposit security amount and approximately Rs.25 lakhs has been collected from various persons as security deposit. Hence, applicant is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. Complainant Smt. Laxmi Singh Thakur gave a written complaint in PS-Sarkanda alleging that applicant and others in their capacity as office bearers of the said society invited applications for appointment to various posts. Complainant applied for the job and she was appointed along with other persons. She was asked to deposit Rs.1,00,850/- which she has done. The society paid salary of only two months to the complainant and others, whereas they have worked for the society for more than one year without salary. When complainant and others started demanding their salary and also the security amount deposited by them, not a single penny has been paid to them leaving no option to them but to lodge FIR against the accused persons.
6. Considered.
7. On perusal of case diary it appears that the society is a legally

constituted entity and also considering the nature of dispute between the office bearers of the society and the complainant and others, I am of this view that applicant, who is in jail for the last more than one year, should be released on bail.

8. Accordingly, the second bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge