

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 98 of 2018

- Vinod Kumar Prasad S/o S/o Devsharan Prasad Aged About 43 Years
R/o Flat No. 2, Block No. 4 Chouhan Town, Junwani, Durg P. S. Smriti
Nagar, Durg District Durg Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police
Station Gol Bazar, Raipur District Raipur Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant : Mr. Pawan Kesharwani, Advocate.

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

19/03/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.301/2017 registered at Police Station– Gol Bazar District– Raipur(C.G.) for the offence punishable under Section 420/34 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that applicant himself is a victim of fraud committed by the main accused Lakhan Sahu, as believing in the inducement given by main accused this applicant himself and his relatives have deposited Rs.55 lakhs for getting employment in SBI, Delhi. No specific role has been played by him in the commission of alleged offence. The only allegation against

him is this, that he has received Rs.4.5 lakhs from the complainant, but this amount has also been given by him to main accused Lakhan Lal Sahu. This applicant himself, on coming to know about the fraud committed by co-accused and others, has lodged FIR in Police Station Supela and on that basis an offence has been registered. Hence, it is prayed that he may be released on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that this applicant is the main accused in this case because on account of inducement given by him, number of other persons have made deposits for obtaining job in so called SBI, Delhi. According to the statement given by the witnesses, this applicant has cheated number of persons by obtaining amount on the pretext of providing employment to them. Hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. The allegation against this applicant and co-accused persons is this, that the applicant and co-persons told the complainant and other witnesses that they are in a position to arrange job for the complainant and other witnesses in the State Bank of India in Delhi and saying so they have received amounts from them for providing employment to them. Subsequent to that, a forged result of selection of the complainant and other witnesses was also shown to convince them. This was not the end, the complainant and others were also called to Delhi where fake joining papers for the job were also prepared to show that they have been appointed on a particular post. Subsequent to that the complainant and others were given some kind of training by taking them to different banks, during which all of them came to know

that they have been cheated. Complainant and others started demanding back their money from this applicant and co-accused persons, which was not returned and resultantly FIR has been lodged.

6. FIR lodged by Sandeep Kumar Sahu does not reflect name of this applicant as the person involved in the commission of offence of cheating but in the investigation conducted name of this applicant has appeared in the statement of witnesses namely Dinesh Kumar Agrahari, Sandeep Kumar Sahu, Amanpreet Singh, Suresh Sahu and Mahesh Rao, who have stated that on inducement being given by this applicant, each of them have paid him amount of Rs. 4-5 lakhs.
7. As it appears that applicant is a member of organized racket cheating innocent persons by making them to believe that he and co-accused persons had authority to arrange employment for them. Therefore, looking to the seriousness of offence, I am of this view that he is not entitled for grant of bail.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge