

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6346 of 2017

- Chandrapratap Joshi S/o Makhanlal, Aged About 26 Years, R/o Village Naktidih, Police Station Birra, Tahsil Bamhndih, District Janjgir-Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Janjgir, District Janjgir-Champa Chhattisgarh

---- Non-applicant

For Applicant – Shri Manoj Paranjpe, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-01-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant has been arrested on 14-07-2017 in connection with Crime No.263/2017 registered at P.S. Janjgir, District Janjgir-Champa, C.G. for the offence under Section 420 of the IPC.
2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. The applicant is President of Gyandeep Foundation which is a registered society. The applicant has simply invited applications for appointment to various posts in the said foundation and the collection of fees made for appointment, training and distribution of kits was not with a purpose of cheating the concerned. The only allegation against the applicant is that salary to the appointed persons was not given, whereas, there was no such agreement between the applicant and the appointees that any salary was to be paid. As per the agreement, on the basis of performance of each appointee, he was

to be given an honorarium. On the basis of material of the record, no offence is made out against the applicant. The applicant is local resident, the case is before the trial Court and the trial is likely to take some time before its conclusion. The applicant is in jail since 14-07-2017. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made. It is submitted that the applicant has on the garb of giving appointment to the complainant and various persons has collected fees in the name of issuing appointment letters and providing training and also collected money from the students for providing sports kits and other materials. After the said appointments, no salary was paid to the students and no sports kits and material has been distributed to the said students. Hence, it is clearly a case of offence of cheating, therefore, the applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. The case of the prosecution is this, that the applicant in the capacity of President of Gyandeep Society invited applications for appointment to the post of District Head, Block Head and teachers in the said society. The complainant and other persons responded in reply to the said, in return they were asked to pay Rs.15,000/- for issuance of appointment letter and further Rs.500/- to provide training programme and later Rs.300/- was collected from each of the students for providing sports kits and other materials. In total Rs.3,01,625/- was received by the applicant and no sports kits and material was provided to the students.

6. Considered on the submissions made and contents of the case diary.

7. Taking into consideration the facts that the case is triable by Judicial Magistrate First Class, trial of the case is likely to take some time before its conclusion, the applicant is local resident, and there is no specific reason to continue with the pre-trial detention of the accused/applicant, this Court is of the considered view that this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail deserves to be allowed.

8. Consequently, the application (MCRC No.6346/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge