

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 2575 of 2018**

1. Amresh @ Pintu S/o Shri Shiv Yadav Aged About 26 Years R/o. Ashray Parisar, Sirgitti, Bilaspur, Chhattisgarh
2. Satrugan @ Bunt S/o Shri Roop Narayan Yadav Aged About 26 Years R/o. Ashray Parisar, Sirgitti, Bilaspur, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through- Police Station, Tar Bahar, Bilaspur,
District- Bilaspur, Chhattisgarh.

----Non-applicant**AND****MCRC No. 3108 of 2018**

1. Rajesh Gupta S/o Ramganesha Gupta Aged About 25 Years Present Address Sirgitti, Bannak Chauk, Bilaspur, Police Station Sirgitti, Tahsil And District Bilaspur, Chhattisgarh
2. Chhotelal @ Oraon S/o Shri Sahadev Oraon Aged About 25 Years R/o Bhawani Nagar, Sirgitti, Police Station Sirgitti, Tahsil And District Bilaspur, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through Police Station Tarbahar, District
Bilaspur, Chhattisgarh.

----Non-applicant

For Applicants	:	Mr. Pawan Kesharwani, Advocate Mr. Akath Kumar Yadav, Advocate
For State	:	Mr. Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/05/2018**

1. These are two applications filed under Section 439 Cr.P.C. for grant of bail to the applicants, who have been arrested in connection with Crime No. 419/2017 registered at Police Station Tarbahar, District Bilaspur, Chhattisgarh for the offence punishable under Sections 420, 294, 506 read with 34 of Indian Penal Code.

2. The present applicants are in jail since 30.12.2017 in connection with the aforesaid Crime number.
3. The allegation against the present applicants as per the case of prosecution is that the present applicants along with the other accused persons on the garb of providing employment to the complainants and other similarly placed poor villagers have amassed huge amount of money Rs.50,000/- per head and six months down the line, the present applicants could not provide employment, neither have they been able to refund the money collected from the complainants.
4. The counsel for the applicants submits that the present applicants have been falsely implicated in the instant case and there is no allegation attributed against the present applicants, except for the fact that they were present in the shop of the co-accused persons Dhananjay and Sant Kumar, who were running the company by the name Glaze Trading India Private Limited. The counsel for the applicants further submits that the complainants were called upon for employment by one Pramod, and it is Pramod, who had collected the money from the present applicants, the present applicants have not received any share in the said amount paid by the complainant to Pramod and thus the present applicants may be released on bail.
5. The State counsel opposing the bail applications submits that there are other criminal cases also of similar nature lodged against the present applicants, which show that they are habitual offenders of similar crime and that they have jointly along with the other accused persons collected huge amount of money and in the process is said to have defrauded the complainant and other similar persons.

6. Having heard the contentions put forth on either side and on perusal of the record, what primarily reflects is that there is no allegation of the present applicants at any point of time having offered employment to any of the complainants. There is no strong material in the case diary with which it could be ascertained that the present applicants had also received money from the complainants. Moreover the offer for employment was in fact made by one Pramod and the money also had been received by Pramod. He further submits that the Glaze Trading India Private Limited is a company which is run by Dhananjay and Sant Kumar, and Harish is the person, who has misbehaved with the complainants, when the complainants had asked for their money back. Thus prima facie from the material available it does not reflect that the present applicants have played any role in the offer of employment made to the complainants or in the collection of money by the complainants.
7. Given the aforesaid facts and also considering the fact that they have already remained in custody for a period of more than 4 months, this Court is of the opinion that prima facie a strong case has been made out for grant of bail to the applicants. Accordingly, the present applications for grant of bail are allowed.
8. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court for their appearance before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
Judge