

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 3476 of 2018**

Bijendra S/o Ram Pragas, aged about 21 years, R/o- Village
Khaitouhi, Farhada, District- Rewa, (M.P.)

---- Applicant**Versus**

State of Chhattisgarh through- Station House Officer, Police
Station City Kotwali, District- Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Smt. Renu Kocher, Advocate
For Respondent/State	:	Shri Shashank Thakur, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order On Board****27/06/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 24.04.2018 in connection with Crime No. 161/2018 registered at Police Station- City Kotwali, District Bilaspur (CG) for the offence punishable under Section 420/34 of IPC.

2. The allegation against the present applicant as per the prosecution is that the applicant in connivance with main accused Indrajit is said to have demanded rupees one lakh from complainant Vinita Mishra for providing government employment as an agricultural officer. Subsequently, main accused Indrajit is said to have further demanded an additional amount of rupees 4 lakhs for issuance of the order of appointment in government department as an agricultural officer which gave suspicion in the mind of the complainant and she lodged a complaint.

3. Counsel for the applicant submits that so far as the present applicant is concerned, there is no allegation of any overtact played by the applicant in getting one lakh rupees from the complainant nor had the applicant at any point of time personally discussed or given assurance directly to the complainant for providing government employment. She submits that from the record it appears that the applicant and the main accused Indrajit were working in the same company and it was the main accused Indrajit who had directly negotiated with the complainant and collected money in the garb of providing employment to her. Thus, prays for grant of bail to the applicant as there is no allegation against him.

4. State counsel, however, opposing the bail application submits that it is a case where poor villagers in the state of Chhattisgarh are being defrauded by people like the applicant who in the garb of providing employment are extracting huge amount of money. He further submits that the statement shows that the applicant and main accused Indrajit are friends and they were together when the complainant is said to have met Indrajit. Therefore, the applicant does not deserve to be released on bail.

5. On perusal of the record particularly the statement of the complainant it reflects that there is no allegation against the applicant in the entire statement of the complainant. There is also no element of evidence available in the case diary with which it could be said that it was the applicant who was involved with main accused Indrajit in collecting money from the villagers particularly the complainant in the garb of providing employment.

6. Given the facts and circumstances of the case, particularly taking

note of the materials collected against the applicant and also taking note of the fact that in the statement of the complainant there is no direct allegation against the applicant, this Court is of the opinion that prima facie, a strong case for grant of bail has been made out.

7. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will be released on bail on his furnishing a personal bond in the sum of Rs.30,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.

**Sd/-
(P. Sam Koshy)
JUDGE**