

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.4237 of 2018

Rajendra Gupta S/o Chhotelal Gupta, aged about 50 years, R/o Ghorda, Police Station Laalbag, District Rajnandgaon (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through – Station House Officer, Police Station City Kotwali Mungeli, District Mungeli (C.G.).

---Respondent

For applicant	:	Shri Rajkumar Pali, Advocate.
For resp./State	:	Shri Syed Majid Ali, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/07/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.84/2017 registered at Police Station City Kotwali, District Mungeli (C.G.) for the offence punishable under Section 420 r/w 34 of IPC.
2. Present applicant is in jail since 08/09/2017.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant in connivance with the co-accused person namely Arjun Sahu is said to have extracted a huge amount of money from the complainant in the garb of providing employment in the Railway department which however could not materialize. It is said that the

complainant had paid an amount of Rs.19,10,000/- to the co-accused person Arjun Sahu which led to the filing of the complaint.

4. The counsel for the applicant submits that, so far as the present applicant is concerned, he is not a person who had received the money from the complainant for the purpose of providing employment. He further contended that, even if the allegation is said to be true, then the evidence is made out only against the co-accused – Arjun Sahu, not against the present applicant. He further submits that, there is also a delay in lodging of the F.I.R. and thus prayed for releasing the applicant on bail.

5. The State counsel however opposing the bail application submits that, it is a case where the present applicant had accompanied the co-accused Arjun Sahu when they had gone to the complainant's place demanding money in lieu of employment with the Railway department. He further submits that, since, both, the present applicant as well as the co-accused person has gone to the complainant's place together and the co-accused Arjun Sahu has projected the present applicant to be an officer in the Railway department who would assist in getting employment, the role of the present applicant in the crime stands equally established and thus prayed for rejection of the bail application.

6. Having heard the contentions put forth on either side and on perusal of record, particularly taking note of the allegation which have been made against the present applicant coupled with the fact that a huge amount of money has been collected by the present applicant in the garb of providing

employment along with co-accused Arjun Sahu, this Court does not find it to be a fit case for grant of bail to the present applicant at this juncture. So far as the ground of delay in lodging of F.I.R. is concerned, this Court does not find it to be a strong ground as the complainants were bonafidely waiting for the present applicant to provide the order of appointment in their favour.

7. Accordingly, the present MCRC deserve to be and is accordingly rejected.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE