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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5322 of 2018

- Ashok Kumar Jena S/o Sudarshan, Aged About 40 Years, R/o Village Mukundpur, Police Station Aska, District Ganjam Orissa, District : Ganjam, Orissa

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Civil Line, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

----Non-applicant

MCRC No. 5463 of 2018

- Yogendra Kumar Barik S/o Lalit Kumar Barik, Aged About 34 Years, R/o- House No. A/15, Capital City, Phase-1, Saddu, P.S. Vidhan Sabha, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station Civil Lines, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicants – Shri Raghavendra Pradhan, Advocate (in MCRC No.5463 of 2018),
Shri Amarnath Pandey, Advocate (in MCRC No.5322 of 2018).

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-08-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.246/2018, registered at Police Station Civil Lines, Raipur, District- Raipur, Chhattisgarh, they are being decided by this common order.

2. It is submitted on behalf of the applicants that, these are the first bail applications filed under Section 439 of the Cr.P.C. before this Court by the applicants for grant of regular bail. Applicant Yogendra Kumar Barik (applicant in MCRC No.5463/2018) has been arrested on 04-04-2018 in connection with aforesaid crime number for the offence under Section 420/34 & 120 of the IPC. Applicant Ashok Kumar Jena (applicant in MCRC No.5322 of 2018) has been

arrested on 12-04-2018 in connection with aforesaid crime number for the offence under Section 420, 120-B, 34 of the IPC.

3. Learned counsel for the applicants submit that the applicants have been falsely implicated in this case. Applicant Ashok Kumar Jena (applicant in MCRC No.5322 of 2018) is in jail since 12-04-2018 and applicant Yogendra Kumar Barik (applicant in MCRC No.5463 of 2018) is in jail since 04-04-2018. No case is made out against them, according to the material present in the charge sheet filed against them.

Learned counsel for applicant Ashok Kumar Jena (applicant in MCRC No.5322 of 2018) submits that applicant Ashok Kumar Jena had resigned from the post of Director of the company on 13-10-2012 which was accepted by the company, hence, he has not played any role in the offence committed which is an incident of later date. This applicant has not given inducement to any of the persons aggrieved in this case and he has a different case from that of co-accused Jagannath Das whose bail application has been rejected. Hence, it is prayed that applicant Ashok Kumar Jena (applicant in MCRC No.5322 of 2018) may be granted regular bail.

On behalf of applicant Yogendra Kumar Barik (applicant in MCRC No.5463 of 2018), it is submitted that there is no prima facie evidence against him and that he has not participated in commission of the offence in this case. This applicant was simply an employee and was designated as State Coordinator. Hence, it is prayed that he may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications submitting that the applicants have collaborated with main accused Jagannath Das in commission of offence of fraud by cheating numerous unemployed youth of this State and the amount collected has been misappropriated by the all concerned. There are similar cases registered against the applicants in the other States also. Hence, no case is made out for grant of regular bail.

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

6. Applicant Ashok Kumar Jena (applicant in MCRC No.5322 of 2018) was one of the Directors of ITSPL Company, in which, co-accused Jagannath was Chief Director, applicant Yogendra Kumar Barik (applicant in MCRC No.5463 of 2018) was engaged as State Coordinator and he gave inducement to complainant Basant Kumar Verma and others that their company is engaged in CSR management for big business concerns. For this purpose he offered the complainant to join his company in giving training to unemployed youth, against which remuneration was to be paid to the complainant company, i.e., Skilling Tech Education and Services Private Limited. The complainant was made to enter into four agreements with applicant Yogendra Kumar Barik and thereafter training was imparted to 11,571 unemployed youth from whom fees were realized from the company of the applicants. Towards remuneration of the complainant company 52 cheques were given by the applicants and all of them were dishonoured by the bank. Hence, the FIR has been lodged.

7. Considered on all the material present in the case diary. The role of both the applicants in commission of the offence in this case cannot be ruled out, looking to the evidence present against them. It is an offence which has been committed at large scale involving numerous persons in the garb of corporate business. Hence, looking to the facts and circumstances of this case, I do not feel inclined to grant regular bail to these applicants.

8. Consequently, both the applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are rejected.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge