

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5635 of 2018**

Shailesh Kumar Aadil S/o Late Dinesh Aadil Aged About 43
Years R/o Boriyakhurd, Police Station Tikrapara, Tahsil And
District Durg Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer,
Police Station Kharora District Raipur Chhattisgarh.

---- Respondent

For the Applicant	:	Smt. Fouzia Mirza, Advocate
For the State	:	Shri Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**28/08/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 183/2018 registered at Police Station Kharora, District Raipur (C.G.) for the offence punishable under Sections 420, 467, 468 and 471 of IPC.
3. Case of the prosecution, in brief is that applicant cheated the complainants Lalit Verma, Shatrughan Verma, Gyanik Verma and Krishna Kumar Verma and fetched Rs.3 Lakhs from each complainant for getting jobs at Chhattisgarh Rajya Kaushal Vikas Pradhikaran, Raipur and given them forged appointment letters.
4. Counsel for the applicant argued that FIR is delayed and lodged after two years of alleged incident, there is no expert opinion, discrepancies in the statements of the complainants. She cited the judgment of

Hon'ble Supreme Court in '*Dataram Singh vs. State of U.P.*' in Criminal Appeal No. 227 of 2018 dated 06/02/2018 reported in (2018) 3 SCC 22.

5. *Prima facie* applicant has cheated and fetched amounts from four complainants. What would be effect of the delay of FIR would be considered by the trial Court while deciding the matter on merits. Similarly the effect of the discrepancies of the statements of the complainants, would be considered at the time of final disposal of the case.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Looking to the facts and circumstances of the case, looking to the seriousness of the alleged offence and also the impact of granting bail on the society, this Court is not inclined to grant bail to the applicant.
8. Consequently, the MCRC is dismissed.

Sd/-
(Sharad Kumar Gupta)
Judge