

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5700 of 2018**

- Ashok Kumar Singh, son of Vanshraj Singh, aged about 53 years, R/o Near Patel Fabrication, Chandrapur, P.S. Chandrapur, District Janjgir-Champa (C.G.) ---- **Applicant**

Versus

- State Of Chhattisgarh Through : the Station House Officer, Police Station Chandrapur, District Janjgir Champa (C.G.) ---- **Respondent**

For Applicant	:	Shri Ishwar Jaiswal Advocate.
For Respondents/State	:	Smt. M. Asha, P.L.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****23.08.2018**

1. The applicant has preferred this application under Section 439 of the Code of Criminal Procedure, 1973 (hereinafter referred to as the Cr.P.C.) for grant of regular bail as he has been arrested on 09.04.2018 in connection with Crime No. 70/2018 registered in Police Station Chandrapur, District Janjgir-Champa (C.G.) for the offence punishable under Sections 420, 467, 468 and 471/34 IPC.

2. Case of the prosecution is that on 09.04.2018 a written complaint was lodged by the complainant Ram Gopal Dewangan alleging, inter alia, that the applicant and co-accused, namely, Suraj @ Yogendra Shihhare, who is his son-in-law have taken a sum of Rs.3,25,000/- from the complainant and executed an agreement assuring to provide him some job in the High Court on the post of Grade-III. It is alleged further by the prosecution that at the time of execution of the alleged agreement, the applicant Ashok Kumar Singh was also one of the attesting witnesses and it is alleged further in the written complaint that a sum of Rs.50,000/- was given to him (applicant Ashok Kumar Singh). Further prosecution story is that a forged appointment letter was also issued to the complainant and thereby the applicant and his son-in-law, both have cheated the complainant of his money. Based on the said written complaint, an F.I.R. was lodged and the applicant has been arrested on 09.04.2018.

3. Shri Ishwar Jaiswal, learned counsel for the applicant submits that the applicant has been falsely implicated in connection with the said crime as he has just put his signature in the alleged agreement as one of the attesting witnesses and that only oral allegation has been levelled against him that he has received a sum of Rs.50,000/-, however, there is no evidence which shows that he received the said amount or was involved in connection with the alleged crime. It is contended further that the wife of the applicant has lodged a complaint against the complainant much prior to filing of the alleged written complaint on 13.09.2017 and in order to settle the score against the applicant, the applicant was roped in the said crime.

4. On the other hand, Smt. M. Asha, learned Panel Lawyer for the State while opposing the said bail application submits that in order to provide some job in the High Court, a false assurance was not only given but a forged appointment letter was also issued by the applicant and his son-in-law and while assuring him as such, the applicant has received a sum of Rs.50,000/-. Apart from this, the applicant has also put his signature in the alleged agreement and based upon this prima facie material, the applicant is not entitled to be released on bail.

5. I have heard learned counsel for the parties and perused the case diary carefully.

6. Having considered the facts and circumstances of the case and that by considering the allegation made in the written complaint by the complainant Ram Gopal Dewangan on 09.04.2018 and by considering further the issuance of alleged forged appointment letter and also by taking into consideration that the applicant was one of the attesting witnesses in the alleged agreement, I am not inclined to release him on bail.

7. The bail application is accordingly rejected. It is, however, made it clear that I have not entered into the merits of the case and the trial Court shall proceed with the matter without influencing any of the observations of mine while rejecting this application.

Sd/-
(Sanjay Agrawal)
Judge