

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8078 of 2017

- Arpit @ Deepak Singh Chouhan S/o Shri Shankar Singh Chouhan, Aged About 27 Years R/o House No. 51, Gopal Nagar, Yashoda Nagar, Kanpur, District Kanpur U. P. , Uttar Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Gurur, District Balod Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant	:	Mr. P.R. Patankar, Advocate.
For Respondent/State	:	Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/04/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.332/2016 registered at Police Station– Gurur, District– Balod (C.G.) for the offence punishable under Sections 420, 467, 468 & 471 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. Applicant is in jail for the last more than 1 year and 8 months. No case is made out against this applicant on the material present in the case diary. It is also submitted that co-accused person has already been granted bail by the Supreme Court of India vide order dated 6.3.2018 passed in Criminal Appeal No.358/2018 on the ground of delay in disposal of trial. Hence, on the ground of parity, it is prayed that present applicant be also granted

regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that applicant is the main accused in this case, who had engaged co-accused Goutam Solanki and also his wife Smt. Kirti Singh, who was associated with him in commission of crime. This applicant had committed the crime by using computer techniques with the assistance of co-accused persons and has received the amount from various persons in a fake account in the name of Krishna which was actually being operated by his wife and the said fact is confirmed from ID of co-accused Kirti Singh. Apart from that, during the investigation a number of forged call letters of ITBP in the name of complainant and other persons have also been recovered and seized from the possession of this applicant, hence, for these reasons, applicant is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. According to the case, complainant Om Prakash Sahu had applied for the post of Constable in ITBP but his application was rejected. Later on, he received a call letter from ITBP, calling upon him to deposit a sum of Rs.25000/- for getting appointment. He made contact on the given mobile number and received the account details in which he deposited amount of Rs.2500/-. Thereafter, on contact being made over telephone, the complainant was informed that as he has not deposited the entire amount of Rs.25000/-, he will not be appointed. The complainant inquired about the appointment letter and came to know that the appointment letter was fake. During investigation, it has been found that the applicant and others had cheated a number of other persons in the same manner, that is to say, they obtained money

from various persons by issuing forged appointment letters.

6. Considered the entire material present in the case diary. This appears to be an offence committed in a highly organized manner in which there appears to be active participation of this applicant. Grant of bail to co-accused Goutam Solanki by the Hon'ble Supreme Court by itself does not entitle this applicant for grant of bail by this Court. Looking to the magnitude of the offence, I am not inclined to grant regular bail to this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.
8. The trial Court is directed to expedite the trial in the case against the applicant and to decide it as early as possible.

Sd/-

(Rajendra Chandra Singh Samant)

Judge