

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 654 of 2019**

- Kumar Abhishek S/o Bajrangi Lal Shrivastava Aged About 37 Years R/o Flat No. 601, R. N. Enclave, Kranti Factory Road, Gandhinagar, Kankad Bag, Patna, District Patna Bihar

---- Applicant**Versus**

- State of Chhattisgarh Through The Police Station Civil Lines District Raipur Chhattisgarh

---- Respondent

For Applicant	:	Shri N. Naha Roy, Advocate
For Respondent/State	:	Shri Rahul Jha, GA

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****05/07/2019**

1. Heard.
2. This is the Fifth Bail Application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 25.02.2017 in connection with Crime No.608/2013 registered at Police Station Civil Lines, District Raipur (CG) for the offence punishable under Sections 420, 468, 471, 34 IPC.
3. The First Bail Application bearing M.Cr.C. No.5684 of 2017 was dismissed on 04.10.2017. The Second Bail application bearing M.Cr.C. No.5270 of 2018 which was filed for temporary period was dismissed for want of prosecution on 26.07.2018. The Third Bail Application bearing M.Cr.C. No.5519 of 2018 which

was also a temporary bail was rejected on 01.08.2018 and the Fourth Bail Application bearing M.Cr.C. No.6681 of 2018 was dismissed as withdrawn on 19.11.2018.

4. As per the prosecution case, the applicant alongwith the other co-accused published an advertisement in the news-paper for appointment in Central Ocean Regulatory Authority, Ernakulam. Thereafter, different people filled up the form and received phone call and they were allured that on payment of certain amount, they would be provided job. Consequently, few of the victims deposited the amount in an earmarked account given by the accused. Thereafter, the appointment letter was also issued and after issuance of appointment letter, when the victims went to join their service, it was found that the entire selection process was fake and there is no such company. Consequently, different amount were received from the persons and fraud was committed.
5. Learned counsel for the applicant submits that the similarly placed co-accused namely Smt. Meenakshi Shrivastava has been enlarged on bail by the co-ordinate Bench on 26.03.2019 in M.Cr.C. No.1776 of 2019. He would further submit that the present applicant is behind the bars since 25.02.2017 and the trial has been stayed by this Court in CRMP No.1300 of 2018 on 07.08.2018, therefore, no substantive progress is made, therefore, he prays that the applicant may also be released on bail.
6. Per contra, learned State counsel opposes the prayer for grant of bail.
7. Perused the order passed by the co-ordinate Bench granting bail to the co-accused passed in M.Cr.C. No.1776 of 2019. Considering the fact that the trial has been stayed and the co-accused has also been enlarged on bail and further taking into the period of detention as the applicant is in jail since

25.02.2017, without any observation on merits, I am inclined to release the applicant on bail.

8. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-

Goutam Bhaduri
Judge

Ashu