

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3375 of 2019

- Achal Kumar S/o Shri Krishna Prasad Gupta, Aged About 36 Years, R/o Bramhan Toli, Tapkara Jashpur, Police Station Tapkara, District Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh, Through - Station House Officer, Police Station - Sarkanda, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Dharmesh Srivastava, Advocate.

For Non-applicant/State – Shri Vikram Dixit, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-07-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 11-04-2019 in connection with Crime No.361/2019 registered at P.S. - Sarkanda, District Bilaspur, Chhattisgarh for the offence under Section 420 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 11-04-2019. No case is made out against the applicant. The applicant is Director of NGO and he was implementing the scheme of the Government by training the beneficiaries in various trades and according to the scheme of the Government the said trainees was to be given placement. As the Government stopped the grant to the NGO that is why the applicant could not carry on the scheme. Hence, the applicant has not committed any offence of cheating. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application

and submits that according to the complaint made, the applicant gave inducement and false assurance to the victims of the case that he will give them placement with attractive salaries and received deposits of Rs.4,500/- from each of the trainees which he did not return and closed his office. Therefore, the applicant is not entitled for grant of bail.

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

5. According to the prosecution case, the applicant was running one NGO styled as Chhattisgarh Rojgarunmukhi Prashikshan Avam Janjagrukta Samiti. He published the scheme and attracted the complainant and other victims that training in various trades to be given and thereafter to be given placement with attractive salaries and he received Rs.8,70,000/- from various trainees and thereafter closed office and has not given placement to any of the persons. It is also alleged that the applicant had exploited labour from all the trainees and has not made any payment against that.

6. After considering entire material present in the case diary and for the reason that the case is now before the trial Court pending for trial, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge