

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4682 of 2019**

- Pokhendra Patel S/o Lekhram Patel Aged About 34 Years R/o Village Kamroad, Opposite Of Gayatri Temple, P.S. Khallari, District- Mahasamund, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through P.S. Tikrapara, District- Raipur, Chhattisgarh

---- Non Applicant

For the Applicant	:	Shri Vaibhav P. Shukla, Advocate
For the State	:	Shri D. K. Tiwari, Deputy G.A.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****22/08/2019**

1. This is the first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with Crime No.545/2018 registered at Police Station- Tikrapara, District- Raipur (C.G.) for the offence punishable under Section 420 read with 34 of Indian Penal Code.
3. Case of the prosecution, in brief is that applicant had told complainant Bharat Lal Patel that he will provide him job of Peon. Complainants Bharat Lal Patel, Ritesh Patel, Hariram Kalihari, Virendra Sahu, Netram Rajak, Bhuneshwar Sahu, Vedan Kumar Patel, Thaneshwar

Patel, Nankuram Patel, Dhalesh Kumar Patel, Naresh Patel, Sanjay Patel and Tikesh Patel had given the handsome amount to applicant, he received Rs.30,31,500/- from the complainants. When the complainants did not get the job, then they met with co-accused Sheikh Aslam with the help of applicant. Co-accused Sheikh Aslam promised them that he will provide job very soon.

4. Learned counsel for the applicant submits that applicant has no criminal background, he is innocent and has been falsely implicated in the present case, he further submits that in the case in hand, main accused is Sheikh Aslam. Applicant had also given him some money to provide job. He had also given a complaint to the police. He is actually victim. He is in jail from November, 2018. In these circumstances applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application, however, submits that there is no criminal antecedent against the applicant in police case diary.
6. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicant, looking to the seriousness of the offence, looking to the impact of granting bail to the applicant on society, the present bail application is rejected.

Sd/-

(Sharad Kumar Gupta)
Judge

pm