

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1540 of 2019

- Yogesh Kumar Chandrakar S/o Late Shri Nand Kumar Chandrakar Aged About 27 Years R/o Village And Post - Farfoud, Tahsil Arang, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station D. D. Nagar, Raipur District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Y.C. Sharma, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/12/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 250/2019, registered at Police Station DD Nagar, Distt. Raipur (C.G.) for the offence punishable under Sections 420, 34 of the IPC.
2. As per prosecution story, one PR Bareth is the president of one Nikhilam Association Society. Allegedly, the applicant was working as CEO in the Society. The said Society has published an advertisement for job in a news-paper and on the basis of said advertisement, complainant Nishant Mishra and other persons applied for job in the said Society. Allegedly, the applicant and another co-accused for providing job obtained money from the complainant and others and neither they have provided any job nor

they have returned money. It is further alleged that they have prepared forged appointment letters and ID cards also. On the basis of report made by Nishant Mishra, offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. President of the said Society PR Bareth is the main accused in this case. There is nothing on record on the basis of it can be said that the applicant has given allurement to the complainant and other persons. Prima Facie no offence can be made out against the applicant. The Counsel further submits that on the same facts and evidence, co-accused Parmeshwar Nishad has already granted benefit of anticipatory bail by this Court vide order dated 20.11.2019, passed in MCRCA No. 1316/2019. He lastly submits that main accused PR Bareth has also granted benefit of regular by this Court. The applicant is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may also be granted benefit anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- III. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge