

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5940 of 2020**

- Harishankar Vaidya, S/o Late Anil Kumar Vaidya, Aged About 39 Years R/o - Behind Of Samudayik Bhawan, Shivanand Nagar, Khamtarai Raipur, District - Raipur Chhattisgarh.,

---- Applicant

Versus

- State of Chhattisgarh, Through Station House Officer, Police Station - Rakhi, District - Raipur Chhattisgarh.,

---- Respondent

For Applicant	:	Mrs. Smita Jha, Advocate.
For State	:	Ms. Veena Nair, Dy. Advocate General

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****26-11-2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as he is in jail since 27-2--2020 in connection with Crime No 214 of 2019 registered at Police Station Rakhi, District Raipur (CG) for the offence punishable under Sections 420, 467, 468, 471 and 201 of IPC.
2. The case of the prosecution is that the applicant took Rs.8,00,000/- from the complainant on various dates for providing Government job to the complainant and gave a forged appointment letter, thereby the applicant has committed the

aforesaid offence.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question and he has not taken any money from the complainant which is supported by copy of the FIR. He further submits that the applicant and complainant belong to same place i.e., Raigarh and the complainant is working as Asst. Grade III in the Revenue Department, District Office, Raigarh. The complainant assured the applicant that he has certain influence in the Secretariat and he would get him employed and on such assurance, the applicant gave Rs.70,000/- to the complainant on various dates. When the applicant pressurised the complainant for providing job neither the complainant provided the job nor returned the money to the applicant. The complainant lodged a false report against the present applicant in order to save himself from the criminal proceeding, if any, initiated by the applicant. He would further submit that the complainant has also taken money from many other persons for providing job to them in Secretariat and thereby defrauded them for which they lodged report against the complainant and on the basis of that report, offence under Section 420 of IPC has been registered under Crime No.590 of 2019 at Police Station Raigarh, Kotwali. He would further submit that the case is triable by the Magistrate, charge sheet has been filed in this case, the applicant is in custody since 27-2-2020 and trial is likely to take some time for its disposal, therefore, the

applicant be released on bail.

4. On the other hand, learned counsel for the respondent/State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case and looking to the transactions which have taken place between the applicant and complainant from the year 2015 whereas report was lodged in the year 2019 and further considering the fact that charge sheet has been filed, the case is triable by the Magistrate and looking to the the detention period of the applicant, conclusion of trial may take some time and without further comments on the merits of the case, I am of the opinion that it is a fit case to grant the bail to the applicant.
7. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.2,00,000/- with two solvent sureties for the like amount to the satisfaction of the concerned trial Court. He shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial.

Sd/-

(Gautam Chourdiya)
Judge

Raju