

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5413 of 2020**

- Chandrashekhar Pandey S/o Surendra Pandey aged about 33 years, R/o Village Main Road Urga, Tehsil and District- Korba, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station Urga, District Korba, Chhattisgarh.

---- Respondent**MCRC No. 6070 of 2020**

- Vasudev Prasad Gupta S/o Late Shri Dayashankar Gupta, aged about 67 years, R/o Village Mohan Nagar Chapra, District- Chapra, Bihar.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police of Police Station Urga, District Korba, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Manoj Paranjpe, Adv. in MCRC No. 5413/2020. Mr. Anil Gulati, Adv. in MCRC No. 6070/2020.
For Respondent/State	:	Mr. Rahul Jha, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25/09/2020**

1. The matters are heard through video conferencing.
2. As both MCRCs arise out of same crime number, they are being heard and disposed of by this common order.
3. The accused/applicants have moved these first bail applications under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 189/2020 registered at Police Station Urga, District-Korba (C.G.) for the offence punishable under Sections 420, 409, 120-B read with section 34 of the IPC.

4. The prosecution story, in brief is that, on 10.06.2020 a report was lodged by complainant Nageshwar Rathore against the applicants with the allegation that the applicants/accused persons obtained the amount of Rs. 45,000/- for providing the job at Shree Hospital Nursing and Paramedical College, Uрга as total 970 posts were sanctioned and the applicant Vasudev Prasad Gupta is the Chairman of the Said hospital and applicant Chandrashekhar Pandey is the Director of the said hospital. It is further alleged that even after obtaining the money the job has not been provided to him, similarly the amount was received from other person and the job was not provided to them. Based on this offence has been registered against the present accused/applicants.
5. Learned counsels for the applicants submit that the applicants are innocent and have been falsely implicated in the crime in question. They further submit that no money transaction has been taken place between the applicants and the complainant, complainant himself has stated in his complaint that he has transferred the amount into the account of the main accused namely Smt. Khemin Diwan who was the employee of WWHO and the present applicants has no connection with the WWHO. They next submit that the complainant to affirm his statement had upon registration of F.I.R. against the present applicants has written a letter to S.P., Korba and clearly said that the contents of F.I.R. are different as to my complaint letter dated 18.03.2020 and has clarified that he has no relation with the other persons specifically with the present applicants so kindly delete the name of the other persons and investigation be conducted only against the Khemin Diwan. He made an application under Section 302 of Cr.P.C. before Learned Lower Court in the Bail application of Chandrashekhar Pandey along with the affidavit confirming the above statement and had said that if the bail is granted to the present applicants he has no objection, Annexure A/2 is the copy of the application under Section 302 Cr.P.C. along with affidavit. They also submit that the applicant Vasudev Prasad is in jail since 10.06.2020 and the applicant Chandrashekhar Pandey is in jail since 16.07.2020, there is no likelihood of their case being decided in near future, therefore,

the present applicants may be released on bail.

6. On the other hand, counsel for the State opposes the bail applications and submits that the offence committed by the applicants is serious, in nature; the applicants are Chairman and Director of the said hospital, which show the involvement of the applicants in this case, therefore, the present applicants may not be enlarged on bail.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that the main allegation is against the other co-accused person and the applicants are in jail since 10.06.2020 and 16.07.2020, and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicants on bail. Accordingly, the applications are allowed.
9. Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs. 50,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

**Sd/-
(Rajani Dubey)
Judge**