

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1419 of 2021**

Krishnapal Kanwar S/o Shri Jagdeesh Kanwar Aged About 32 Years R/o Village Urtaan, P.S. Kotma, District Anuppur (M.P.).

---- Applicant**Versus**

State of Chhattisgarh Through P.S City Kotwali Balodabazar, District Balodabazar Bhatapara Chhattisgarh.

---- Non-applicant**MCRC No. 1423 of 2021**

Krishnapal Kanwar S/o Shri Jagdeesh Kanwar Aged About 32 Years R/o Village Urtaan, P.S. Kotma, District Anuppur (M.P.).

---- Applicant**Versus**

State of Chhattisgarh Through P.S. City Kotwali Balodabazaar, District Balodabazaar Bhatapara Chhattisgarh.

---- Non-applicant**MCRC No. 1424 of 2021**

Krishnapal Kanwar S/o Shri Jagdeesh Kanwar Aged About 32 Years R/o Village Urtaan, Police Station Kotma, District Anuppur Madhya Pradesh.

---- Applicant**Versus**

State of Chhattisgarh Through P.S. City Kotwali Balodabazar , District Balodabazaar Bhatapara Chhattisgarh.

---- Non-applicant**MCRC No. 1430 of 2021**

Krishnapal Kanwar S/o Shri Jagdeesh Kanwar Aged About 32 Years R/o Village Urtaan, Police Station Kotma, District Anuppur Madhya Pradesh.

---- Applicant**Versus**

State of Chhattisgarh Through Police Station City Kotwali Balodabazaar, District Balodabazaar Bhatapara Chhattisgarh.

---- Non-Applicant

For Applicants	: Mr. Anchal Kumar Matre, Advocate
For Non-Applicant/State	: Mr. B.P. Banjare, Dy. Govt. Advocate

(Proceedings through Video Conferencing)
Hon'ble Shri Justice Parth Prateem Sahu

Order on Board

15.07.2021

- 1) **MCRC No. 1419 of 2021-** The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is arrested in connection with Crime No. 484 of 2020, registered at Police Station- City Kotwali Balodabazar District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 420, 34 of I.P.C.
- 2) **MCRC No. 1423 of 2021-** The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is arrested in connection with Crime No. 487 of 2020, registered at Police Station- City Kotwali Balodabazar District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 420, 34 of I.P.C.
- 3) **MCRC No. 1424 of 2021-** The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is arrested in connection with Crime No. 486 of 2020, registered at Police Station- City Kotwali Balodabazar District Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 420, 34 of I.P.C.
- 4) **MCRC No. 1430 of 2021-** The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is arrested in connection with Crime No. 485 of 2020, registered at Police Station- City Kotwali Balodabazar District Balodabazar-Bhatapara (C.G.) for the

offence punishable under Section 420, 34 of I.P.C.

- 5) Case of the prosecution is that, Tikeshwari Sahu, Prabha Miri, Janki Banjare and Rakesh Kumar Verma were deceived by Mewa Chopra, Ashok Pandey @ Mahendra Tiwari, present applicant and others, obtained money of Rs.3,00,000/- from each of the complainants for providing them employment in the Women and Child Development Department. When the employment was not provided to complainants, they lodged complaints before the concerned police station, based upon which, crime Nos. 484 of 2020, 487 of 2020, 486 of 2020 and 485 of 2020 were registered against the present applicant and other co-accused persons for the aforementioned offences.
- 6) Mr. Anchal Kumar Matre, learned counsel for the applicant in all the bail applications submits that in the complaints, allegation of giving false assurance of providing employment and asking money is against Smt. Mewa Chopra, who is an employee of the Department, and Ashok Pandey alias Mahendra Tiwari. Present applicant is a Mason working as Supervisor under Mahendra Tiwari who is a Contractor doing the work under the Women and Child Development Department. The allegation against the applicant is only that amount received by Ashok Pandey @ Mahendra Tiwari has been expended by present applicant for giving payments to labourers and other workers of Ashok Pandey @ Mahendra Tiwari. Other similarly situated co-accused person, by name, Roshan Choudhari and Dalbir Singh Parstay have been enlarged on bail vide order dated 17.06.2021. He

submits that applicant was arrested on 19.12.2020, charge sheet has already been filed, offences are triable by Magistrate, hence, applicants may be enlarged on bail.

- 7) On the other hand, Mr. B.P. Banjare, Dy. Govt. Advocate opposing the submissions made by learned counsel for the applicant would submit that applicant along with co-accused persons have obtained huge amount under the false promise for providing employment to them. The applicant has expended money received by Ashok Pandey @ Mahendra Tiwari and utilized it for making payment to labourers, hence, he is not entitled for grant of bail.
- 8) I have heard learned counsel for the parties.
- 9) Taking into consideration the facts and circumstances of the case, nature of allegations made by complainant in the First Information Report that it is Smt. Mewa Chopra who gave assurance of providing employment on payment of money, submission made by learned counsel for the State that applicant has utilized the money received by Ashok Pandey @ Mahendra Tiwari for giving payment to labourers and offences are triable by Magistrate, without commenting anything on the merits of the case, I am inclined to release the applicant Krishnapal Kanwar on regular bail.
- 10) Accordingly, the applications (MCRC Nos.1419 of 2021, 1423 of 2021, 1424 of 2021 and 1430 of 2021) are allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees

Twenty Five Thousand only) in connection with each crime number with one surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;

- a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
- b) he shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Yogesh