

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1415 of 2021

- Vikas Gupta @ Vikky @ Lalit Sinha, S/o Anil Gupta, Aged About 33 Years
R/o Parastarai, P. S. Dharsiwa, District Raipur Chhattisgarh

---- Applicant (In jail)

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station
Mujgahan, District Raipur Chhattisgarh

---- Respondent

For Applicant	: Shri C.R. Sahu, Advocate
For Respondent	: Shri Ashish Tiwari, GA

(Proceeding through Video Conferencing)

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

31.05.2021

1. Applicant has preferred this application under Section 439 of the CrPC for grant of regular bail as he has been arrested in connection with Crime No.16 of 2019 registered at Police Station Mujgahan, Raipur CG for the offences punishable under Sections 419, 420, 467, 468 and 471/34 of the IPC.
2. Case of the prosecution in brief is that Krishan Kumar Sahu intimated the complainant that Vishwnath Gupta @ Vishnu Gupta provides service after obtaining money and he has provided job to several persons. On satisfying with the discussion, he gave Rs. 3,50,000/- to Vishnu Gupta in his house in presence of Suresh Dubey, Krishna Kumar Sahu, Lalit Kumar Singh and wife of Vishnu Gupta. The appointment order on verification was found to be fake. During the investigation, it revealed that eight other persons have also paid money on the pretext of

providing employment. Total amount of Rs. 4,50,000/- was taken by accused persons.

3. Shri C.R. Sahu, learned counsel for the applicant submits that applicant has no role to play in the alleged crime but specific allegations have been made against other co-accused persons, mainly, against one Vishnu Gupta. He further submits that applicant was arrested on 05.10.2020 and after investigation, charge-sheet has been filed and no purpose will be served keeping the applicant in jail during trial. The offences alleged against the present applicant are triable by the Magistrate and the trial may take some time to conclude. He also submits that name of present applicant does not find place in the statement recorded under Section 161 of the CrPC.

4. Shri Ashish Tiwari, learned Government Advocate for the State opposing the submission made by learned counsel for the applicant submits that present applicant along with other co-accused persons, collected Rs.45,00,000/- from the complainant and other persons on the pretext of providing employment to them. Hence, applicant is not entitled for the benefit under Section 439 of the CrPC. However, he do not dispute that in statement recorded under Section 161 of CrPC of complainant, name of applicant does not find place.

5. I have heard learned counsel for the parties.

6. Considering the nature of allegation, charge-sheet has been filed, that applicant is in jail since 05.10.2020 and the offences alleged against the applicant are triable by the Magistrate, without commenting on merits of the case, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on regular bail upon furnishing a bail bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the Court below concerned on the conditions that:

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) Applicant 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.

8. In view of above, application for urgent hearing and application for hearing the case during summer vacation stand disposed off.

Certified copy as per rules.

Sd/-
V.Judge
(Parth Prateem Sahu)