

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.1690 of 2021

- Jatin Prajapati, S/o Pravin Bhai Prajapati, aged about 31 years, R/o Near Ganesh Mandir, Agrasen Chowk, Raipur (CG)
---- **Applicant (In Jail)**

Versus

- State of Chhattisgarh, through Station House Officer, Police Station- Pakhanjur, District- Kanker (CG).

....Respondent

For Applicant	:	Mr. Shashank Thakur, Advocate
For Respondent	:	Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

9.7.2021

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 27.1.2020 in connection with Crime No.2/2020 registered at Police Station Pakhanjur District Kanker (CG) for commission of offence punishable under Sections 419, 420/34 of the Indian Penal Code and Section 66D of the IT Act.
2. Case of the prosecution, in brief, is that complainant Shikha Das, who is working as Lecturer in Government Girls Higher Secondary School, Kapsi, has lodged a written report in police station on 6.1.2020 stating therein that in the year 2018 she received a phone call of co-accused Dr. Pradeep Kumar Singh on her mobile stating her that he can arrange admission for her two children in medical college. However, since her both

the child were taking coaching for NEET examination, she had not responded. In the month of June, 2019 both the child of complainant appeared in NEET Examination, at that time the complainant searched number of co-accused Dr. Pradeep Kumar Singh, contacted him over phone with regard to admission of her children in medical college, whereupon co-accused Dr. Pradeep Kumar Singh informed that for admission of both her child she has to pay/deposit Rs.34 Lakhs in total. As per discussion, the complainant had deposited certain amount initially and after receipt of an email and satisfying that her children would get admission in medical college, she came to Raipur along with cash of Rs.10 Lakh to hand over the same to the person named by co-accused Dr. Pradeep Kumar Singh. Thereafter she made a call on mobile phone number provided to her by co-accused Dr. Pradeep Kumar Singh, who asked her to visit office of present applicant on next day. On the next day, the complainant went to the office of present applicant and handed over Rs.10 Lakhs to him. Thereafter she has again handed over certain amount to present applicant and some amount was transferred through RTGS in the account of Dr. Pradeep Kumar Singh. After some time upon verification, she came to know that her children have not been admitted in the medical college where they have been shown to be admitted, which made her to lodge report. During the course of investigation, Deepak Chaterjee, Dr. Pradeep Kumar Singh, Jia-ul-Haq Rahmani and present applicant were arrested in the instant crime.

3. Mr. Shashank Thakur, learned counsel for the applicant submits that as per material collected by prosecution, the only allegation against present applicant is that he collected money from the complainant and transferred the same to Dipak Chatterjee. There is no allegation in the complaint against the present applicant that at any point of time he has contacted the complainant or made a call on her mobile phone assuring her for admission of her two children in medical college. The applicant is running courier shop and at the most, the act of applicant can be stated to be of a facilitator. He further submits that after completion of investigation, the police has filed the charge sheet before the competent Court. and now there is no requirement of custodial interrogation of applicant, who is in jail since 27.1.2021. Hence, applicant may be granted regular bail.
4. Per contra, Mr. Vimlesh Bajpai, learned State Counsel opposes the submissions made by learned counsel for applicant and submits that the complainant has been cheated and huge amount of Rs.30,00,000/- has been taken by present applicant along with co-accused in an organized manner. He further submits that it is the present applicant who had received the money from complainant and thereafter transferred the same to Dipak Chatterjee by hand, there is involvement of present applicant in the crime. Hence, the applicant is not entitled for grant of regular bail.
5. I have heard learned counsel for the parties.
6. As submitted by learned counsel for the parties, the allegation

against present applicant is that he has accepted money from the complainant at Raipur and thereafter transferred the same to co-accused Dipak Chaterjee. There is no allegation against him that he contacted the complainant and assured her for providing admission to her children in medical college.

7. Taking into consideration the nature of allegations, period of pre-trial detention of applicant, the fact that charge sheet has already been filed and there is no further requirement of custodial interrogation of applicant, the offence is triable by Magistrate 1st Class and the conclusion of trial may take some time, without commenting anything on merits of the case, I am inclined to allow this bail application.
8. Accordingly, the application is allowed and it is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- 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 & every date unless exempted from appearance.
 - b) he shall not, in any manner, tamper with the prosecution witnesses.
 - c) If 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

roshan/-