

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRCA No. 377 of 2021

- Vikash Kumar Jaiswal, S/o Pramod Jaiswal, Aged About 35 Years, Occupation- Driver, R/o Village Kaliya (Bagicha) Police Station Bagicha, District- Jashpur, Chhattisgarh. ---- **Applicant**

Versus

- State of Chhattisgarh, Through: The Station House Officer of Police Station Narayanpur, District- Jashpur, Chhattisgarh.

---- Non-Applicant

For Applicant	: Shri Sanjeev Kumar Sahu, Advocate
For Non-Applicant/State	: Shri Ayaz Naved, G.A.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

11.06.2021

- 1) The applicant has preferred this application under Section 438 of Code of Criminal Procedure, 1973, as he apprehends his arrest in connection with Crime No.62/2020 for offence punishable under Section 420/34 of I.P.C. registered at Police Station- Narayanpur, District- Jashpur (C.G.).
- 2) Case of the prosecution, in brief, is that the applicant demanded Rs. 1 lakh from the applicant namely Philsita Toppo for getting employment to her son in colliery and received Rs. 50,000/- cash from the complainant and Rs. 50,000/- was got deposited in the account of co-accused Manoj Soni. However, no such employment was provided to the son of the complainant and the received amount was not returned to her. On report being lodged to the above effect, the offence has been registered against the applicant.
- 3) Learned counsel for the applicant submits that the present applicant is falsely implicated in this case. The main accused in

this case is Manoj Soni who had died, the present applicant is driver only, nothing has been seized from the present applicant to prove his involvement in this case, therefore, the applicant may be granted anticipatory bail.

- 4) Learned State counsel opposes the bail application and submits that the present applicant played main role in this case, he fraudulently obtained Rs. 1,00,000/- from the complainant for providing job to her son at colliery.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that the present applicant demanded Rs. 1,00,000/- from the complainant, kept Rs.50,000/- cash and deposited rest of the amount in the bank account of co-accused late Manoj Soni, prima-facie case is made out against the present applicant and as such I am not inclined to grant benefit of anticipatory bail to the present applicant. Accordingly, this application is hereby dismissed.

Sd/-

(Gautam Chourdiya)
Judge

Nadim