

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2705 of 2021**

Prem Prakash Khare S/o Shri Radheshyam Khare Aged About
35 Years R/o Village- Sipat, P.S.- Sipat, Tehsil- Masturi,
District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, P.S.-
Kota, District- Bilaspur, Chhattisgarh.

---- Non-applicant

For Applicant : Shri Shailendra Dubey, Advocate
For Non-applicant/State : Shri Roshan Dubey, Panel Lawyer

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

Order on Board**20.07.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who was arrested on 12.02.2021 in connection with Crime No.53 of 2021 registered at Police Station Kota, District Bilaspur (C.G.) for commission of offence punishable under Section 420 of Indian Penal Code.
2. Case of the prosecution, in brief, is that complainant Gandraj Suryawanshi who is known to Prem Prakash Khare as he met him in village of his maternal uncle. During the course of talk, applicant Prem Prakash Khare asked the complainant whether he has filled any form for employment or not, upon which, complainant intimated him that he has submitted an application for appointment in the Police Department at district Rajnandgaon, upon which, applicant Prem Prakash Khare stated that he will provide him employment in the Police Department, for which, he

has to pay Rs.3 Lacs. Thereafter, complainant after arranging Rs.3 lacs went to agreed place i.e. hotel at Seepat where he met with applicant. After having a talk, he handed over Rs.3 Lacs to Prem Prakash Khare. Thereafter, applicant called one Priyesh Gupta (co-accused) who is said to be holding some post in BJP and it was stated to him that he will make arrangement for the job. Applicant Prem Prakash Khare handed over amount to Priyesh Gupta and thereafter, Priyesh Gupta handed over him a blank cheque of his account of Central Bank of India and went away. After lapse of time, when complainant could not get the employment in Police Department, he approached applicant for return of his money, which was not returned to him and thereafter complaint was filed by him in the concerned Police Station.

3. Shri Shailendra Dubey, learned counsel for the applicant submits that allegation against the present applicant is that he along with co-accused Priyesh Gupta has taken Rs.3 Lacs for providing employment in the Police Department to complainant and thereby complainant was cheated by them. He further submits that allegations are false, applicant was arrested on 12.02.2021 and after investigation, charge-sheet was filed against the applicant declaring the co-accused absconding. There is no requirement of further interrogation, the offence is triable by Magistrate and conclusion of trial may take some time, hence, he may be enlarged on regular bail.
4. Shri Roshan Dubey, learned State Counsel opposes the prayer for grant of bail and submits that it is the present applicant who

assured the complainant for providing employment in the Police Department, introduced co-accused obtained Rs.3 Lacs from him. He further submits that applicant in connivance with co-accused Priyesh Gupta taken Rs.3 Lacs from the complainant and thereby cheated him. However, he do not dispute the fact that charge-sheet has been filed against the present applicant.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, charge-sheet is filed, further offence is triable by Magistrate, trial may take some time, without commenting on the merits of the case, I am inclined to release the applicant on regular bail.
7. Accordingly, the application is 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) with one local 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