

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 607 of 2021**

- Priyesh Gupta S/o Shri Pritam Gupta Aged About 30 Years, R/o Gupta Mohalla, Seepat N.T.P.C., Police Station Seepat, Tahsil And District Bilaspur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Its Station House Officer, Police Station Seepat District Bilaspur Chhattisgarh

---- Respondent

For Applicant	: Shri Saurabh Sharma, Advocate
For Respondent/State	: Shri BP Banjare, Dy GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board
(Proceeding through Video Conferencing)

23.07.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.10 of 2020 registered at Police Station Seepat, District-Bilaspur, Chhattisgarh for commission of offense punishable under Section 420 of IPC.
2. Case of the prosecution, in brief, is that, there was an advertisement for recruitment of Constables in Police Department, upon which complainant met with present applicant, he filled-up application form and handed over to present applicant. Applicant stated that if he wants guarantee of appointment, then he has to expend Rs.2,00,000/-. Relying upon his words, complainant has paid two lakhs in two installments. After lapse of long time, when complainant could not get appointment as Constable, he again approached to the applicant. Then the applicant stated that as there is change in Government, he is required to pay further Rs.1,00,000/- , upon which, complainant demanded his money back. Applicant issued a cheque bearing No,011378 dated 10.10.2019 for Rs.2,00,000/-, complainant submitted the cheque for clearance in bank but it

was dis-honored, thereafter, complaint was made, based upon which instant crime was registered against present applicant.

3. Anticipatory bail application filed before the Court below was rejected by impugned order.

4. Shri Saurabh Sharma, learned counsel for the applicant would submit that applicant has not committed any offense, and he has been implicated in the case falsely. Applicant has taken hand loan of Rs.2,00,000/- and issued a blank cheque as security to the complainant. He also submits that loan amount has been re-paid, but the cheque received by the complainant was not returned and it is mis-used.

5. On the other hand, Shri BP Banjare, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that there are serious allegations against present applicant. He not only had taken money from complainant, but when the complainant could not get any employment, in return of his money, applicant issued a Cheque of Central Bank on 10.10.2019 of Rs.2,00,000/-, which was dis-honored. He submits that in view of specific allegation of taking Rs.2,00,000/- from the complainant statement of other witnesses and material available in case diary, applicant is not entitled for benefit under Section 438 of CrPC.

6. I have heard learned counsel for the parties.

7. Taking into consideration nature of allegations and material available in case diary, particularly the fact that applicant has issued a Cheque in

favour of complainant on 10.10.2019 for returning back the money, which was dis-honored, I do not find it a fit case to enlarge the applicant on bail. Accordingly, bail application is dismissed.

8. At this stage, Shri Saurabh Sharma, learned counsel for the applicant submits that wife of applicant is pregnant and her delivery is due in the month of September, 2021, therefore, he prays for a direction to the Court below to consider the application for grant of regular bail, if filed by the applicant upon his surrender, on the same day.

9. Learned Court below may consider the application for grant of regular bail, if filed by the applicant upon his surrender on the same day in accordance with law.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE