

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 638 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 Kota, District Bilaspur Chhattisgarh

---- Non-applicant

For Applicant : Shri Sourabh Sharma, 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. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as she is apprehending his arrest in connection with Crime No. 53 of 2021 registered at Police Station Kota, District Bilaspur, C.G., for offence punishable under Sections 420 & 34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that complainant Gandraj Suryawanshi who is known to Prem Prakash Khare, 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 has

intimated him that he has submitted an application for appointment in the Police Department at district Rajnandgaon, upon which, applicant Prem Prakash Khare has 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 reached at agreed place i.e. one hotel at Seepat where he met with applicant Prem Prakash Khare. After having a talk, he handed over Rs.3 Lacs to Prem Prakash Khare, who called one Priyesh Gupta (present applicant) who is stated to be holding some post in BJP and it was stated by him that he will make arrangement for the job. Applicant Prem Prakash Khare handed over the amount to Priyesh Gupta and thereafter, Priyesh Gupta handed over the complainant a 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 Prem Prakash Khare for return of his money, which was not returned to him and thereafter complaint was made by him in the concerned Police Station.

3. Shri Sourabh Sharma, learned counsel for the applicant submits that allegation levelled against present applicant is false and frivolous. Applicant has not deceived the complainant on the ground of providing employment. He further submits that applicant has taken loan from the complainant and in lieu of security, blank cheque was issued in his favour. It is contended that blank cheque given to him was in the year 2018 and complaint was lodged only on 2021. There is delay in lodging the First Information Report. It

is further contended that looking to the period of pandemic, applicant may be enlarged on anticipatory bail.

4. Per contra, Shri Roshan Dubey, learned Panel Lawyer for the State vehemently opposes the bail application and submits that allegation against the applicant Priyesh Gupta is that on mobile call given to him by co-accused Prem Prakash Khare, he reached to the hotel at Seepat where applicant handed over Rs.3 Lacs to Prem Prakash Khare and Prem Prakash Khare handed over amount to Priyesh Gupta and thereafter, Priyesh Gupta has handed over a cheque to the complainant in the hotel itself on the same day, which shows that there is clear involvement of present applicant in instant crime, hence, he is not entitled for anticipatory bail.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration the nature of allegation levelled against the present applicant, further the fact that applicant handed over a cheque of his bank account of Central Bank of India to the complainant, no document of loan of huge amount is placed on record and charge-sheet has been filed declaring the present applicant absconding, I do not find it to be a fit case to enlarge the applicant on anticipatory bail.
7. Accordingly, anticipatory bail application is dismissed. At this stage, learned counsel for the applicant submits that it be observed that observation made in this order will not come in the way of deciding regular bail. It goes without saying that consideration for grant of regular bail is different than that of

consideration for grant of anticipatory bail. Learned Court below may consider the application for grant of regular bail, if filed by the applicant on its own merits at the earliest.

Sd/-
(Parth Prateem Sahu)
Judge

Anu