

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 895 of 2020

- Mukesh Gajbhiye S/o Kothu Ram, Aged About 44 Years R/o Village Dhannaura, Tahsil And District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, The District Magistrate Durg, District Durg Chhattisgarh.

---- Respondent

And

MCRCA No. 874 of 2020

- Prashant Singh Thakur, S/o Shri Vijendra Singh Thakur, Aged About 32 Years R/o 51/ 1578, Adarsh Nagar, A - 52, Santoshi Chowk, Lakhe Nagar, Kushalpur, Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station - Supela, Bhilai, District - Durg, Chhattisgarh.

---- Respondent

For Applicant (in MCRCA No. 895/2020)	: Mr. Shashank Thakur, Advocate.
For Applicant (in MCRCA No. 874/2020)	: Mr. Sangeet Kumar Kushwaha and Mr. Sachin Singh Rajput, Advocates.

For Respondent/State	: Mr. Ghanshyam Patel, G.A.
For Objector	: Mr. Vijay Kumar Sahu.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

07/01/2021

1. Both the matters arise out of same crime number, therefore, they are being decided by this common judgment.
2. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in

connection with crime no. 369/2020, registered at Police Station Supela, Bhilai, Distt. Durg(C.G.) for the offence punishable under Sections 420 & 34 of the IPC.

3. According to the case of prosecution, on 01.06.2020, a written complaint was filed by the complainant namely Anil Meshram, wherein it has been alleged that the applicants have cheated the complainant and fraudulently took Rs. 7 lacs from him and from his two relatives for providing them government job, but the applicants failed to provide them any job and when the complainant and his relatives asked the applicants for return their money, they refused to return the said money. On the basis of said written complaint, offence has been registered against the applicants.
4. Learned counsel appearing on behalf of the applicants submit that the applicants are innocent and have been falsely implicated in the present case. There is no direct evidence available on record against the applicants on the basis of which it can be said that they were induced the complainant and his relatives for providing them any job. They further submit that main allegations have been levelled against co-accused Soniya Gajbhiye. They lastly submit that since there is no direct evidence available on record against the applicants for any inducement with regard to providing any job to the complainant and his relatives, therefore, it is prayed that they may be granted benefit of anticipatory bail.
5. Per contra, learned counsel appearing on behalf of the State and Objector opposes the bail applications.
6. I have heard learned Counsel for the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and particularly considering the fact that main allegations have been levelled against co-accused Soniya Gajbhiye and there is no any direct evidence available on record against the applicants for inducing the complainant and his relatives, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
8. Accordingly, the anticipatory bail applications are allowed.
9. It is directed that in the event of arrest, the applicants shall be released on

bail on each of them furnishing a personal bond for a sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-

- I. That accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- III. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge