

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 821 of 2021**

- Deendayal Sahu, S/o Keemat Lal Sahu, aged about 66 years, Caste- Teli, R/o Khamardih, Shankar Nagar, Raipur, Police Station-Shankar Nagar, Tahsil & District Raipur CG

---- Applicant**Versus**

- State Of Chhattisgarh Through the Station House Officer, Police Station Sihawa, District-Dhamtari (Chhattisgarh)

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

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

29.07.2021

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. 83 of 2020 registered at Police Station Sihawa, District Dhamtari, Chhattisgarh for commission of offense punishable under Section 420 r/w 34 of IPC.
2. Case of the prosecution, in brief, is that, applicant and one Tikaram Bhakt, giving assurance to complainant and several other persons, demanded money for providing them Government Jobs in Forest Department. They have collected huge amount of Rs.26,50,000/- from 13 persons. When the persons, who gave money in assurance of getting job to Tikaram Bhakt, did not get any job for considerable time, they asked Tikaram Bhakt to return back their money. He, in turn, stated that he has handed over entire money to present applicant and they can get money from him. Based on complaint, instant case was registered against present applicant and co-accused Tikaram Bhakt.

3. Applicant, apprehending his arrest, filed this anticipatory bail application after rejection of his application by the Court below.

4. Shri Shivendu Pandya, learned counsel for the applicant would submit that entire allegations of accepting money on the pretext of providing Government Jobs in Forest Department is against Tikaram Bhakt and applicant is not related in any manner, in cheating persons. He also submits that there is no material available against applicant stating that he has ever in contact or is interconnected with the persons, who gave money to Tikaram Bhakt. Only on the basis of statement made by co-accused, Tikaram Bhakt, present applicant has been made accused in the instant crime. He also submits that applicant is aged about 66 years and underwent operation of his leg, in support has placed medical documents of applicant on record hence, applicant may be enlarged on anticipatory bail under Section 438 of CrPC.

5. On the other hand, Shri Vimlesh Bajpai, learned counsel for the State opposing the submissions of learned counsel for the applicant, submits that applicant along with co-accused Tikaram Bhakt have taken Rs.26,50,000/- in total from different persons. On specific enquiry with regard to material available showing involvement of present applicant along with co-accused Tikaram Bhakt in the instant crime, learned State counsel read over statement of one Pankaj, recorded under Section 161 CrPC. He argued that Pankaj has issued a Cheque amounting Rs.1,00,000/- in name of Deendayal Sahu, present applicant, and when he did not get any job, he asked for return of money and approached present applicant. Pankaj was told by present applicant that he does not

know him and he knows only Tikaram Bhakt. Learned counsel further submits that in view of material available in case diary, there is *prima facie* involvement of applicant in instant crime.

6. I have heard learned counsel for the parties and also perused case diary.

7. Taking into consideration nature of allegations levelled against the applicant along with co-accused Tikaram Bhakt of cheating unemployed persons and collecting huge amount of Rs.26,50,000/-, and also considering statement of Pankaj, I do not find it a fit case to grant anticipatory bail to the applicant. Accordingly, bail application is dismissed.

Certified copy as per rules.

(Parth Prateem Sahu)
JUDGE

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