

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 870 of 2021**

Rahul Patel S/o Shravan Patel Aged About 21 Years R/o
House No. 75, Nawadih, Ward No. 11, Kankabira, P.S.
Sarangarh, District Raigarh Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through Police Station Balod, District
Balod Chhattisgarh

---- Non-applicant

For Applicant : Shri Ankur Agrawal, Advocate

For Non-applicant/State : Shri B.P. Banjare, Dy. Govt. Advocate

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

10.08.2021

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No. 187 of 2021 registered at Police Station Balod, Chhattisgarh for offence punishable under Sections 420, 467, 468, 471, 120-B of Indian Penal Code.
2. Case of the prosecution, in brief, is that, Johanlal Khare has made written complaint on 14.02.2021 mentioning therein that he has paid Rs.23 Lacs to Umesh Chandra for getting a Government job in Bhilai Steel Plant for his son Lakesh Khare and thereafter, appointment order was also handed over to him. When applicant approached to join his services, it was informed that appointment order is forged. Thereafter, complainant approached to Umesh

Chandra for refund of his money, upon which, Umesh Chandra issued the cheque which became dishonored, thereafter, Manoj Shrivastava and Venkatesh Rao issued the cheque, which also dishonored. In the complaint, there was allegation that at the time of payment of Rs.1 Lac to Umesh Chandra, present applicant was present. Based on the written complaint, instant crime was registered against Umesh Chandra, Manoj Shrivastava, Venkatesh Rao and present applicant.

3. Shri Ankur Agrawal, learned counsel for the applicant would submit that applicant has no role to play in commission of instant crime, applicant has been falsely implicated in commission of crime. Umesh Chandra was known to him and he has extended hand loan to him by making payment to him, which is different small amounts of Rs.5,000/- on more than one occasion and Rs.3,000/-. It is contended that Umesh Chandra had once transferred an amount of Rs.2 Lacs in his account as he was having his bank account number, but subsequently, the amount has been taken back by Umesh Chandra. Applicant has not interacted with complainant at any point of time, nor complainant has paid any amount to him, hence, he may be enlarged on anticipatory bail.
4. Per contra, Shri B.P. Banjare, learned Deputy Advocate General representing the State vehemently opposes the bail application and would submit that not only the amount of Rs.23 Lacs has been taken but they have issued forged appointment order and subsequently at the time of refund of amount, different cheques

have been issued at different point of time by co-accused Umesh Chandra, Manoj Shrivastava and Venkatesh Rao, which came to be dishonored. However, upon asking to learned counsel for the State with regard to the role played by the present applicant, he submits that in the case diary, there is allegation that at the time of handing over Rs.1 Lac to Umesh Chandra, present applicant was present along with Umesh Chandra. He further pointed out that in the memorandum statement of Umesh Chandra, it has come that amount of Rs.2 Lac was deposited in the account of present applicant, which was subsequently taken back.

5. At this stage, Shri Ankur Agrawal, learned counsel for the applicant submits that as Umesh Chandra was friend of present applicant, hence, he might had accompanied at any point of time with him but he was not aware with regard to any transaction of accepting money on giving false assurance of providing employment.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations, material available in the case diary showing that amount was handed over to Umesh Chandra, cheque was issued by Umesh Chandra, Manoj Shrivastava and Venkatesh Rao and not by the present applicant; further that presence of applicant has been shown at one time while complainant handed over Rs.1 Lac to Umesh Chandra, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.

8. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-

(i) he shall make himself available for interrogation by a police officer as and when required;

(ii) he 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 from disclosing such facts to the Court or to any police officer.

(iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Yogesh