

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR**MCRCA No. 935 of 2021**

1. Ved Prakash Verma S/o late Shri Naresh Verma, aged about 32 years, R/o Jayanti Nagar, Street-04, House No. 570/16, Sikola Bhata, P.S. Mohan Nagar, District Durg Chhattisgarh
2. Vicky Yadav @ Lucky, S/o Shri Gopal Prasad Yadav, aged about 38 years, R/o Sikola Bhata, Jayanti Nagar, House No. 549, District Durg Chhattisgarh

-----Applicants**VERSUS**

- State of Chhattisgarh through: Police Station Civil Lines, District Raipur, Chhattisgarh

-----Non-applicant

For Applicant	: Mr. Pawan Kesharwani, Advocate with Mr. Anmol Sharma, Advocate
For Non-applicant- State	: Mr. Vimlesh Bajpai, Govt. Advocate

*(proceedings through video conferencing)***Hon'ble Shri Parth Prateem Sahu, Judge****ORDER****19/08/2021**

1. Applicants have preferred this application under Section 438 of CrPC for grant of anticipatory bail as they apprehend their arrest in connection with Crime No. 502/2013 registered at Police Station Civil Lines, District- Raipur (C.G.) for the offence punishable under Sections 420, 467, 468, 471, 120B & 34 of IPC.
2. As per the case of prosecution, written report was lodged by one Nayaran Vaishnav on 10.05.2013 mentioning therein that Vedprakash Verma was his classmate and friend. At the time of discussion of employment, Vedprakash has asked him to meet Dhananjay Burman in his office. When the complainant went in the office of Dhananjay he asked the complainant to deposit Rs. 20,000/-

and has assured that he would provide him Government job. Complainant deposited Rs. 20,000/- in his office. Thereafter, in the month of December 2011, Dhananjay Burman asked the complainant to further deposit Rs. 1,80,000/- as it is required to be given to the Government officials which the complainant had also deposited with Dhananjay Burman. Dhananjay handed over him one appointment letter dated 03.05.2012 and when the complainant went to join the place of posting, he was informed that the letter was forged. Upon getting knowledge that complainant was cheated, he lodged a written report, based on which FIR was registered against present applicants and co-accused Dhananjay Burman.

3. Mr. Pawan Kesharwani, learned counsel for the applicant would submit that applicant no. 1 was classmate and friend of complainant. During the course of discussion, he only has suggested the name of Dhanajay and gave address of his office. Complainant himself visited the office of Dhananjay and met with him. Upon asking that he had to deposit Rs. 20,000/- with his employee ei. Applicant no. 2 in the office, he deposited Rs.20,000/- with him who also in turn given money receipt. Applicant no. 2 himself has not interacted with the complainant in any manner and has given any assurance for providing Government employment but being an employee he accepted the money deposited by the complainant. He further read-over the written complaint submitted before the police station on 10.05.2013 and submitted that there is no allegation against the present applicants that they have ever discussed on the topic of providing Government employment to the complainant or have asked for deposit of any money. The entire allegations are against Dhananjay Burman and not against the applicants. Applicant no. 1 is working in a Toyota showroom, Raipur and applicant no. 2 is working

in the Collectorate office, Raipur. At no point of time, police approached them for enquiry or investigation prior to year 2021, when the police approached the applicants in the year 2021 they came to know that some criminal case is pending against them and thereafter they have approached the Court for protection under Section 438 of CrPC.

4. On the other hand, Mr. Vimlesh Bajpai, learned State counsel opposes the submissions made by learned counsel for the applicants and submits that in the written complaint itself the complainant has made a prayer that action to be taken against the present applicants and the co-accused Dhananjay Buram. However, upon putting specific query with regard to any other allegation against the present applicants, he submits that in the complaint it is mentioned that the applicant no. 1 was classmate and friend of complainant and he suggested the name of Dhananjay Burman and gave his address. He further read-over the complaint and submitted that applicant no. 2- Vicky is in the office of Dhananjay Burman as an employee.
5. I have heard learned counsel for the respective parties.
6. Taking into consideration, nature of allegation, the fact and circumstances of the case and the fact that in written complaint there is no allegation of assurance given by applicants for Government employment and accepting money from him, without commenting anything on merits of the case, I am inclined to allow the bail application for grant of anticipatory bail.
7. Accordingly, application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question (502/2013), they shall be released on anticipatory bail by the Officer arresting them on their executing a personal bond in the sum of Rs.

25,000/- each with one surety in the like sum to the satisfaction of the concerned arresting Officer. Applicants shall also abide by the following conditions:

- (i) that the applicants shall make themselves available for interrogation before the Investigation Officer as and when required;
- (ii) that the 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) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that 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/-
(Parth Prateem Sahu)
Judge

Pawan