

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 5747 of 2021

Shrikant Jaiswal S/o Shivshankar Jaiswal Aged About 30 Years R/o Village Podibachra, Police Chowki,-Padibachra, Thana And Tahsil-Khadgawa, District- Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

----Applicant

Versus

The State Of Chhattisgarh Through Police Station Khadgawa, District- Koriya, Chhattisgarh, District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

MCRC No. 6096 of 2021

Shrikant Jaiswal S/o Shivshankar Jaiswal Aged About 30 Years R/o Village- Podibachra, Police Chowki- Padibachra, Thana And Tahsil-Khadgawa, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through Police Station- Khadgawa, District- Koriya, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

For Applicant : Shri Parag Kotecha, Advocate

For Non-applicant : Shri Vimlesh Bajpai, Govt. Advocate

S.B.: Hon'ble Shri Parth Prateem Sahu, Judge

Order on Board

29/11/2021

1. Applicant- Shrikant Jaiswal has filed these applications under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in

connection with Crime No. 152/2021 registered at Police Station -Khadgawa, District- Koriya (CG) for the offence punishable under Sections 420, 467, 468, 471 of IPC.

2. Case of the prosecution is that the applicant in the year 2015 and 2016 has procured an amount of Rs.3 lakh and Rs.1,25,000/- from Lal Bahadur and Bal Mukund respectively for providing employment to them. The applicant has neither provided employment nor refunded the money. Hence, they have lodged report to the concerned police station on 6.7.2021. Based on the two different reports, police registered two different crimes in same police station. The applicant has been shown to be arrested on 6.7.2021 in both the crimes.
3. Shri Parag Kotecha, learned counsel for the applicant in both the cases would submit that false and baseless allegations have been levelled against the present applicant of procuring money on false pretext of providing employment. It is pointed out that in the similar nature of allegation against the applicant in respect of two other crimes bearing Crime No. 135 of 2021 and 136 of 2021 registered in the same police station i.e. Police Station -Khadgawa, District-Koriya, he was arrested on 16.5.2021 and he preferred two separate bail applications i.e. MCRC No.4093 of 2021 and MCRC No.4107 of 2021 in which the applicant has been directed to be enlarged on bail vide order dated 29.7.2021. Except the four crimes, no other criminal case is registered against the applicant. The allegations are similar in the instant crime, hence, the applicant may be enlarged on regular bail.

4. Shri Vimlesh Bajpai, learned counsel for the State opposes the submissions made by learned counsel for the applicant and would submit that the applicant has committed serious offence as he has collected money for providing employment from different persons at different point of time. He is not entitled to benefit of grant of bail. However, he do not dispute that the applicant has been enlarged on regular bail in two other crimes of similar nature registered at the same police station and further putting the specific query with regard to any other crime or criminal case registered against the applicant apart from four crimes, learned State counsel, after going through the case diary submits that there is no mention of registering of any other crime against the applicant and he also submits that as directed on the last date of hearing, he has also sought instructions from the concerned police station in this regard.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegation, the applicant has been enlarged on bail in two other crimes of similar allegation which was stated to be committed in the years 2015 and 2016, the applicant is in jail since 6.7.2021, without commenting anything on merits, I am inclined to allow the bail application.
7. Accordingly, the bail applications are allowed. It is directed that the applicant shall be released on regular bail, upon his furnishing a bail bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the Court on the conditions that-

- a) Applicant shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
- b) The applicant shall not, in any manner, tamper with the prosecution witnesses.
- c) If the applicant is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Judge

Praveen