

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1048 of 2021**

Zulfikar Ahmed Siddique S/o M. R. Siddique Aged About 34
Years R/o Sector 7, Civic Center, Bhilai, District Durg,
Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh Through District Magistrate Durg, District
Durg, Chhattisgarh

---- Non-applicant

For Applicant : Smt. Fouzia Mirza, Senior Advocate with
Shri Shobhit Mishra, 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****03.09.2021**

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.267 of 2021, registered at Police Station Khursipar, District Durg (C.G.), for offence punishable under Sections 420, 34 of Indian Penal Code.
2. Case of the prosecution in brief, is that, complainant Ashwini Kumar Kaushal lodged written report on 04.07.2021 mentioning therein that complainant and one Bhupendra Dewangan while studying in Kalyaan College, came in contact with Mohammad Shahid and applicant and thereafter friendly relationship was developed between them. In the year 2016 the Chhattisgarh Professional Examination Board got published an advertisement

for appointment on the posts of Hostel Superintendent and Hostel Warden. Mohammad Shahid co-accused informed both the complainants that he is having contacts with influential person and can provide employment on any of the posts advertised. He also stated to the complainant that for each post of Hostel Warden, a sum of Rs.4 Lakhs is to be paid to him i.e. Rs. 2 Lakh as advance and Rs.2 Lakh after appointment. Both the complainants gave Rs.2 Lakh each i.e. Rs.4 Lakh, and one Madan Kumar Kaushal also gave Rs.1,35,000/- to Mohammad Shahid, thereby total amount of Rs.5,35,000/- was paid to co-accused Mohammad Shahid and applicant. After declaration of results when the complainant did not get employment, they asked co-accused for return of their money but money has not been returned. They were continuously making requests, orally and through whatsapp messages, for return of money, but have not returned money. Based on this complaint, instant crime is registered against present applicants and one another.

3. Smt. Fouzia Mirza, learned senior counsel for the applicant would submit that allegation levelled against the applicant is false and baseless. She further submits that from the allegations made in First Information Report, which is placed on record as Annexure A/2, it is appearing that main allegation is against co-accused Mohammad Shahid who interacted with complainant and assured him of providing Government job of Hostel Warden upon payment of money. There is no specific allegation of demand of money or acceptance of money against present applicant, but for that,

applicant was found associated with co-accused Mohammad Shahid at that relevant time. She further submits that looking to the nature of allegations and fact that complaint was lodged with inordinate delay and there is no material available in the case diary to show that complainant has transferred any money to accused persons, main accused Mohammad Shahid has been enlarged on bail by this Court on 16.08.2021 in MCRCA No.945 of 2021, hence, present applicant may also be enlarged on anticipatory bail.

4. Per contra, Shri B.P. Banjare, learned Dy. Govt. Advocate representing the State opposing the submissions made by learned senior counsel for the applicant, would submit that applicant along with co-accused persons have taken huge money of Rs.5,35,000/- for providing Government job to complainant and two other persons.
5. However, upon putting specific query with regard to allegation against the present applicant, he submits that as per material available in the case diary, allegation of demand of money and acceptance of money is against co-accused Mohammad Shahid and applicant was present there along with Mohammad Shahid at that relevant time.
6. I have heard learned counsel for the parties.
7. Taking into consideration entire facts and circumstances of the case, nature of allegations, the fact that co-accused Mohammad Shahid has been enlarged on bail by this Court on 16.08.2021 in MCRCA No.945 of 2021, 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