

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 6597 of 2021

Mohan Negi S/o Shri Punaram Negi Aged About 32 Years Caste- Kalar,
R/o- Singoditarai, Ward No. 5, Narayanpur, P.S. And District-
Narayanpur, Chhattisgarh, District : Narayanpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Dallirajhara,
District- Balod, Chhattisgarh, District : Balod, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Surfaraj Khan, Advocate
For Non-applicant	:	Mr. Sameer Oraon, Govt. Advocate

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

Order On Board

13/12/2021

1. Applicant has filed this application under Section 439 of Cr.P.C. for grant of regular bail as he has been arrested in connection with Crime No.522/2021 registered at Police Station- Dallirajhara, District- Balod (C.G.) for the offence punishable under Sections 420 & 34 of IPC.
2. Case of prosecution is that complainants Uttara Sarva and others lodged report to the concerned police station stating therein that they are working as Aanganbadi Workers. They came to know from other employee who is working as Aanganbadi Supervisor that State Govt. has issued advertisement for appointment on the post

of Aanganbadi Supervisor, they may contact co-accused Ashok Pandey who is a Clerk in the Department of Women and Child Development of the State Govt. When they contacted co-accused Ashok Pandey, he asked them to submit their application forms and contact present applicant. When complainants contacted present applicant, they were asked to deposit the amount. Thereafter, complainants deposited total amount of Rs.20.30 lakhs, some of the amount has been deposited in the bank account of applicant and some of the amount has been deposited in the bank account of co-accused persons. After conclusion of appointment process, complainants could not secure the job, when they approached co-accused Ashok for refund of their amount, the amount was not refunded to them and thereafter, the report was lodged.

3. Shri Surfaraj Khan, learned counsel for the applicant would submit that applicant has not committed any offence as alleged against him. As per the case of prosecution, complainants have approached to one Ashok Pandey, employee of Women and Child Development Department and thereafter the amount has been deposited in the bank account of applicant. He also submits that persons who themselves are indulged in criminal act of getting the employment by illegal means, then they are similarly liable for commission of crime as alleged against applicant. Applicant was arrested on 30.7.2021, hence, he may be enlarged on bail.

4. Shri Sameer Oraon, learned counsel for the State opposes the

submissions of learned counsel for the applicant and would submit that applicant in connivance with other four accused persons, have induced the complainants to deposit the amount giving false assurance that they will provide job to complainants. He submits that complainants have deposited some of the amount in the bank account of applicant also. Deposit slips are available in the case diary. Hence, there is prima facie involvement of applicant also in commission of crime along with others. He also submits that two other crimes of similar nature are registered against the applicant and other co-accused persons of cheating for providing government employment. Hence, applicant is not entitled for grant of bail.

5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of the case, nature of allegations, the fact that the amount was deposited in the bank account of applicant and other co-accused, which was subsequently withdrawn also, I do not find present to be a fit case for grant of bail to applicant.
7. Application is accordingly rejected.

Sd/-
(Parth Prateem Sahu)
Judge