

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 6503 of 2021

Mohan Negi, S/o Shri Punaram Negi, Aged About 32 Years Caste - Kalar, R/o. Village - Singouditarai, Police Station And District - Narayanpur Chhattisgarh., District : Narayanpur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant : Mr. Surfaraj Khan, Advocate

For Non-applicant : Ms. Smriti Shrivastava, Panel Lawyer

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.229/2021 registered at Police Station- Balod, District- Balod (C.G.) for the offence punishable under Sections 420 & 34 of IPC.
2. Case of prosecution is that complainant Yashoda Sahu lodged report to the concerned police station stating therein that she is working as Aanganbadi Worker. She 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, she may contact co-accused Ashok Pandey who is a Clerk in the Department of Women and Child Development of the State Govt. When she contacted co-accused Ashok Pandey, he asked her to submit her application form and contact present applicant. She contacted present applicant, upon which, she was asked to deposit the amount, to which she deposited total amount of Rs.3.5. lakhs in bank account of applicant. After conclusion of appointment process, she could not secure the job and when she approached co-accused Ashok for refund of her amount, the amount was not refunded to her 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, complainant has 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 an 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. Ms. Smriti Shrivastava, 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 complainant to deposit the amount giving false assurance that they will provide job to complainant. He submits that complainant has deposited amount in the bank account of applicant. The deposit slips are available in the case diary. Hence, there is prima facie involvement of applicant also in commission of crime along with others. She also submits that there are two other similar crime 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 it has also been withdrawn, 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