

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 6903 of 2021**

Bhagwan Singh S/o Shri Gopal Singh Rajput, Aged About 37 Years, R/o Chingrajpara, Bilaspur Police Station Sarkanda, District Bilaspur, Chhattisgarh.

**---- Applicant****Versus**

State of Chhattisgarh Through Police Station Khamtarai, District Raipur, Chhattisgarh.

**---- Non-applicant**

-----  
For Applicant : Mr. Pushpendra Kumar Patel, Advocate

For Non-applicant/State : Mr. Sameer Oraon, Govt. Advocate  
-----

**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****20.12.2021**

1. This is first application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to applicant, who is in custody since 24.08.2021 in connection with Crime No.499 of 2021 registered at Police Station Khamtarai, District Raipur (C.G.) for commission of offence punishable under Section 420 of Indian Penal Code.
2. Case of prosecution, in brief, is that one Pushpendra Tiwari lodged a report to concerned police station stating therein that on false pretext of providing Government job, co-accused Neeraj Lal and Sagar Vishoi taken Rs.5,70,000/- from him. He was sent to medical examination and verification of documents. Complainant was also issued appointment letter for his appointment on the post of Grade-III Clerk at I.T.I. Bilha, Bilaspur. After some time, he revealed that all proceedings initiated were false and appointment letter issued to him was fake document. Based on written report,

police conducted investigation, during course of investigation, police received several other complaints from Mansha Patel, Adarsh Pandey, Deepak Panday and Asha Thakur making similar allegations. In the statement recorded under Section 161 of Cr.P.C. of one Deepak Pandey, it has come that cheques handed over by him to other co-accused persons was encashed by present applicant. Based on statement of Deepak Pandey, applicant was also made accused and he was arrested on 24.08.2021.

3. Mr. Pushpendra Kumar Patel, learned counsel for the applicant would submit that in entire charge-sheet, name of present applicant has been mentioned only in the statement of Deepak Pandey recorded under Section 161 of Cr.P.C. that it is the applicant who has withdrawal money. In written report lodged by Deepak Pandey, name of present applicant is not mentioned. After due investigation, police submitted charge-sheet. In charge-sheet also, there is no any other material collected by Investigating Agency to connect applicant in aforementioned crime except statement of Deepak Pandey recorded under Section 161 of Cr.P.C. Applicant has not committed any offence and he is in jail since 24.08.2021. He also submits that allegation is that blank cheques have been handed over to other co-accused persons and it is the applicant who withdrawn the amount, but Investigating Agency has not collected any document from the bank showing involvement of applicant or withdrawal of amount by him from account of complainant Deepak Pandey.
4. Per contra, Mr. Sameer Oraon, learned Govt. Advocate for the State opposing the submissions of learned counsel for the

applicant, would submit that as per allegations and complaint of different persons cheated by accused person, it has come that it is the group of person who is involved in commission of crime of obtaining money on false pretext of providing job. Even they have sent to complainant and other affected person for medical examination and for several other verifications, some of them were also issued appointment letters from Government of India portal, hence, there is involvement of applicant also in the crime.

5. However, upon putting specific query to learned counsel for the State with regard to submission made by learned counsel for the applicant of material showing his involvement, he submits that name of applicant has only come in statement of Deepak Pandey recorded under Section 161 of Cr.P.C.
6. I have heard learned counsel for the parties.
7. Taking into consideration the facts and circumstances of the case, nature of allegations against applicant, submission made by learned counsel for the parties and applicant is in jail since 24.08.2021, without commenting on the merits of case, I am inclined to release the applicant on regular bail.
8. Accordingly, the application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one local surety in the like sum to the satisfaction of the trial Court concerned on the conditions that;
  - a) He shall appear before the trial Court concerned regularly on each and every date unless exempted from appearance.
  - b) He shall not, in any manner, tamper with the prosecution

witnesses.

c) If the applicant is found involved in similar offence in future, it will be open for the State to apply for cancellation of bail.

Certified copy as per rules.

Sd/-  
**(Parth Prateem Sahu)**  
**Judge**

Yogesh