

NAFR

HIGH COURT of CHHATTISGARH, BILASPUR

MCRC No. 7555 of 2021

Mohan Negi S/o Shri Punaram Negi Aged About 32 Years Caste Kalar ,
R/o Village Singouditarai, Ward No. 5, Police Station And District
Narayanpur Chhattisgarh., District : Narayanpur, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Arjuni, District
Dhamtari Chhattisgarh., District : Dhamtari, 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.215/2021 registered at Police Station- Arjuni, District- Dhamtari (C.G.) for the offence punishable under Sections 420, 120-B/34 of IPC.
2. Case of prosecution is that applicant and other co-accused person cheated complainant Mahendra Kumar Sahu and others in the name of providing employment on the post of Peon and Driver in the office of Janpad Panchayat Kurud as well as office of Collector,

Dhamtari and collected huge amount of Rs.22 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applicant and some of the amount has been deposited in the bank account of other co-accused person, which was later on withdrawn also. After conclusion of appointment process, complainants could not secure the job and when they approached the applicant 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. 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 4.9.2021, 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 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. 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. He 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 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