

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 9274 of 2020

- Dalbir Singh Parstay S/o Chain Singh Parstay Aged About 29 Years R/o - Shobhapur, Police Station - Bajag (Revenue And Civil) - Dindori M.P.), District : Dindori *, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through - Police Station - City Kotwali, Balodabazar District (Revenue And Civil) - Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-Applicant

MCRC No. 977 of 2021

- Smt. Mewa Chopra, D/o Ramkishan, Aged About 54 Years R/o - Infront Of Chir House Street, Balodabazar, Police Station - City Kotwali Balodabazar, District - Balodabazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station - City Kotwali, District - Balodabazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-Applicant

MCRC No. 1087 of 2021

- Smt. Mewa Chopra D/o Ramkishan Aged About 54 Years R/o Infront Of Chir House Street, Balodabazar, Police Station City Kotwali Balodabazar, District Balodabazar- Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Balodabazar- Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-Applicant

MCRC No. 1193 of 2021

- Smt. Mewa Chopra, D/o Ramkishan, Aged About 54 Years R/o - Infront Of Chir House Street, Balodabazar, Police Station - City Kotwali Balodabazar, District - Balodabazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station - City Kotwali, District - Balodabazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-Applicant

MCRC No. 1197 of 2021

- Smt. Mewa Chopra D/o Ramkishan Aged About 54 Years R/o In Front Of Chir House Street, Balodabazar, Police Station- City Kotwali, Balodabazar, District- Balodabazar- Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station-City Kotwali, District- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-Applicant

MCRC No. 1855 of 2021

- Roshan Choudhari S/o Sugreev Choudhari, Aged About 32 Years R/o. Post Urtan Kamran Tola, Police Station Kotma, District Anuppur (Wrongly Written As Anuppun) (M.P.), District : Anuppur, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh, Through - The Station House Officer, Police Station City Kotwali, Balodabazar, District Balodabazar - Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-Applicant

MCRC No. 1870 of 2021

- Smt. Mewa Chopra W/o O.P. Singh Aged About 55 Years R/o - F-2, Bhavna Nagar, Police Station - Khamhariya, Tahsil And District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Balko Nagar Korba, Tahsil And District - Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Non-Applicant

MCRC No. 1951 of 2021

- Roshan Choudhari S/o Sugreev Choudhari Aged About 32 Years R/o Post Urtan Kamran Tola, Police Station Kotma, District Anuppur M. P.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Baloda Bazar, District Baloda Bazar-Bhatapara Chhattisgarh

---- Non-Applicant

MCRC No. 2176 of 2021

- Roshan Choudhari S/o Sugreev Choudhari, Aged About 32 Years R/o. Post Urtan Kamran Tola, Police Station Kotma, District Anuppur (Wrongly Written As Anuppun) (M.P.), District : Anuppur, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Balodabazar, District Balodabazar Bhatapara Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-Applicant

MCRC No. 9335 of 2020

- Dalbir Singh Parstay S/o Chain Singh Parstay Aged About 29

Years R/o - Shobhapur, Police Station - Bajag (Revenue And Civil) - Dindori (M.P.), District : Dindori *, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through - Police Station - Balodabazar City Kotwali, District (Revenue And Civil) - Baloda Bazar Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Non-Applicant

For Applicants : Shri Sumit Jhawar, Shri Ratnesh Agrawal & Shri Uttam Pandey, Advocates

For Non-Applicant/State : Dr.(Ms.) Veena Nair, Dy.A.G.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

17.06.2021

- 1) **MCRC Nos. 1855 and 977 of 2021-** The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as they are arrested in connection with Crime No. 484/2020, registered at Police Stations- City Kotwali, Balodabazar-Bhatapra (C.G.) for the offence punishable under Section 420/34 of I.P.C.
- 2) **MCRC No. 1197 of 2021-**The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as she is arrested on 04.01.2021 in connection with Crime No. 485/2020, registered at Police Stations- City Kotwali, Balodabazar-Bhatapra (C.G.) for the offence punishable under Section 420/34 of I.P.C.
- 3) **MCRC Nos. 9274 of 2020, 1087 of 2021 and 2176 of 2021-** The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as they are arrested in connection with Crime No. 486/2020, registered at Police Stations- City Kotwali, Balodabazar-Bhatapra (C.G.) for

the offence punishable under Section 420/34 of I.P.C.

- 4) **MCRC Nos. 9335 of 2020, 1951 of 2021 and 1193 of 2021-** The applicants have preferred these First Bail Applications under Section 439 of Code of Criminal Procedure, 1973 as they are arrested in connection with Crime No. 487/2020, registered at Police Stations- City Kotwali, Balodabazar-Bhatapra (C.G.) for the offence punishable under Section 420/34 of I.P.C.
- 5) **MCRC No.1870 of 2021-** The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as she was arrested on 05.02.2021 in connection with Crime No. 14/2021, registered at Police Stations- Balko Nagar Korba, District- Korba (C.G.) for the offence punishable under Section 420/34 of I.P.C.
- 6) The allegation against the applicant Mewa Chopra in the above MCRCs is that applicant Meva Chopda in the name of providing job at Women and Child Development Department Balodabazar to the complainants, fraudulently obtained an amount of Rs. 42,26,000/- from them and allegation against applicants Roshan Choudhari and Dalbir Singh Paraste is that they gave their bank account number alongwith ATM card/ passbook to co-accused Mahendra Tiwari @ Ashok Pandey for transaction of the money obtained from the complainants.
- 7) Shri Ratnesh Kumar Agrawal appearing on behalf of applicant Smt. Mewa Chopra submits that she has been falsely implicated in the crime in question, he further submits that applicant Mewa Chopra was not in a position to provide job in the said department, she never received any amount from anyone, there is no document to prove that she is involved in the alleged commission of offence. It is further submitted that applicant Mewa Chopra has no criminal antecedents, she is in jail since

04.01.2021, there is no likelihood of the applicant Mewa tampering with the prosecution evidence or absconding and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.

- 8) Shri Sumit Jhavar and Shri Uttam Pandey appearing on behalf of applicant Dalbir Singh Parastay and Roshan Choudhari jointly submit that the applicant Dalbir and Roshan were roped in a false case, they are not main accused, the co-accused Ashok Pandey @ Mahendra Tiwari approached them, lured them and took their ATM card and passbook, transferred the money obtained from the complainants in the bank accounts of the applicant Roshan Choudhari and Dalbir Singh Parastay. The applicant Roshan Choudhari and Dalbir Singh Parastay have no criminal antecedents, there is no likelihood of the applicants tampering with the prosecution evidence or absconding, they are in jail since 01.12.2020 and 14.11.2020, charge-sheet has already been filed in Crime Nos. 486/2020, 484/2020, 487/2020 and due to COVID-19 trial is likely to take some time for its final disposal. Therefore, the applicant Roshan Choudhari and Dalbir Singh Parastay be released on bail by this Court.
- 9) On the other hand, learned counsel for the respondent/State opposes the bail applications and submits that applicants Mewa Chopra, Roshan Choudhari and Dalbir Singh Parastay alongwith other co-accused persons have cheated the complainants in the name of providing government jobs to them. However, he submits that the applicants have no criminal antecedents.
- 10) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the allegation made against the applicant Mewa Chopra that she is main accused in these cases, she had cheated number of persons in the name of providing government job to them, prima-facie sufficient material is available on record and she fraudulently obtained Rs. 42,26,000/-, therefore, bail applications filed on behalf of the

applicant Mewa Chopra are rejected.

As far as applicant Roshan Choudhari and Dalbir Singh Parastay are concerned, as per memorandum statement of Smt. Meva Chopra and other material collected against Dalbir Singh Parastay and Roshan Choudhari, they have not collected the money, co-accused Ashok Pandey @ Mahendra Tiwari had obtained the money and transferred the money, according to the material collected, the present applicants Dalbir Singh Parastay and Roshan have not cheated the complainant party or dishonestly induced them or other person who is deceived to deliver any property to any person, the detention period of the applicants, who are 29, 32 years old and the fact that the applicants have no criminal antecedents, charge-sheet has already been filed, there is no likelihood of the applicants tampering with the prosecution evidence or absconding as admitted by both the counsels and due to COVID-19 conclusion of trial may take some time, therefore, I am inclined to grant bail to the applicant Roshan Choudhari and Dalbir Singh Parastay. Accordingly, bail applications on behalf of Roshan Choudhari and Dalbir Singh Parastay are allowed.

11) It is directed that in the event of each of applicant Roshan Choudhari and Dalbir Singh Parastay executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs. 1,00,000/- each to the satisfaction of the concerned Trial Court, they shall be released on bail on the following conditions:-

- (a) they 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 fact to the Court,
- (b) they shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (c) they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial,
- (d) they shall not involve themselves in any offence of similar nature in future,

(e) they shall strictly follow the COVID-19 protocol issued by the Central Government/State Government/Local Authority.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicants involving themselves in similar offence in future.

In the result: bail application on behalf of Mewa Chopra i.e. **MCRC Nos. 977/2021, 1087/2021, 1193/2021, 1197/2021, 1870/2021** are rejected whereas bail applications on behalf of applicant Roshan Choudhari and Dilbag Singh Parastay i.e. **MCRC Nos. 9274/2020, 1855/2021, 1951/2021, 2176/2021, 9335/2020** are allowed on above terms and conditions.

Sd/-
(Gautam Chourdiya)
Judge

Nadim