

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4925 of 2023**

- Kaushal Kumar Soni S/o Late Bisheshwar Soni, Aged About 67 Years R/o Ambedkar Ward, Daupara, Mungeli, (Chhattisgarh).

---- Applicant**Versus**

- State of Chhattisgarh, Through: The Station House Officer, Police Station Padmanabhpur, District- Durg (C.G.).

---- Respondent

For Applicant	:	Mr. Praveen Dhurandhar, Adv.
For Respondent/State	:	Mr. Anil Tripathi, P.L.

Hon'ble Shri Justice Sanjay Kumar Jaiswal**Order on Board****31/08/2023**

1. The accused/applicant has moved this **first** bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 296/2018 registered at Police Station - Padmanabhpur, District- Durg (C.G.) for the offence punishable under Section 420 of the IPC.
2. As per the prosecution story, complainant Abhinav Kumar lodged a report alleging therein that on 01.02.2016 applicant took a total of 20 lakhs cash from the four persons for providing government employment and subsequently the applicant failed to provide the employment and it was alleged that the said amount was not returned to the complainant. Based on this, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that as per the allegation, the amount was given in cash to the applicant on 01.02.2016, but the report was made after two years on 05.02.2018, the applicant is a senior citizen of 67 years and there is a dispute of Negotiable Instrument Act between the complainant and the applicant. He also submits that the applicant is in jail since 31.05.2023, charge sheet has been filed and, there is no

likelihood of his case being decided in the near future, therefore, the present appellant may be released on bail.

4. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant cheated four persons and drew a huge amount of Rs. 20 lakhs. Since the report was lodged the applicant was absconded, therefore, he was not arrested earlier. The applicant has committed cheating on the assurance of providing government jobs to the complainant, therefore the applicant may not be enlarged on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the gravity of the offence, and further considering the fact that a huge amount has been cheated by the applicant on the assurance of providing a government job to the complainant, without commenting anything on the merits of the case, at this stage, I am not inclined to release the applicant on bail.
7. Accordingly, his bail application filed under Section 439 of the Code of Criminal Procedure is rejected. However, the trial Court is directed to expedite the trial and conclude the same as early as possible, preferably within a period of six months from the date of receipt of a copy of this order.

Sd/-

(Sanjay Kumar Jaiswal)
Judge

H.L. Sahu