

**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.A No.759 of 2023**

Abhay Gupta S/o. Shri Santosh Gupta, Aged About 30 Years R/o.
Near Mahamaya Mandir, Ambikapur, District Sarguja Chhattisgarh At
Present Baikunthpur, District Koriya Chhattisgarh ---- **Appellant**

Versus

State Of Chhattisgarh Through P.S. Ajk Baikunthpur, District Koriya
Chhattisgarh ---- **Respondent**

For Appellant: Shri TK Jha, Advocate.
For Respondent/State : Shri Sushil Sahu, PL.

Hon'ble Shri Justice Deepak Kumar Tiwari**Order on Board****27.04.2023**

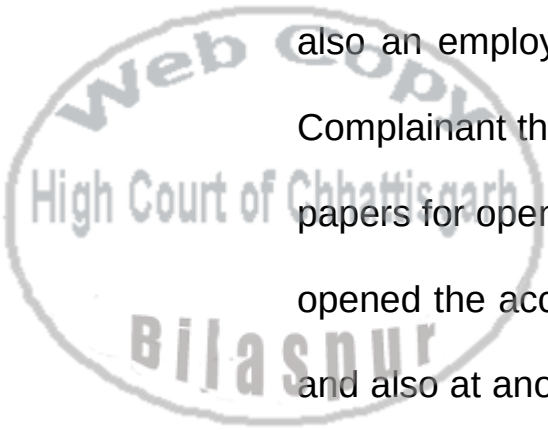
1. This Criminal Appeal has been filed under Section 14(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (henceforth 'the SC/ST Act') against the order dated 23.03.2023 passed by the Special Judge, SC/ST ACT, Baikunthpur, District Koriya (CG) for grant of regular bail to the Appellant, who has been arrested in connection with Crime No.01/2023 registered at Police Station AJK, Baikunthpur, District Koriya (CG) for the offence under Sections 419, 420, 467, 468, 471, 472, 474, 409 and 120-B IPC, under Section 66-D of the IT Act as also under Sections 3(2)(v) & 3(2)(V-A) of the SC/ST Act.

2. Case of the prosecution is that the Horticulture Department has sanctioned Rs.20 lacs in favour of the Complainant Anandi Singh for National Horticulture Scheme for which, 1st installment of Rs.10 lacs





was deposited in his Cooperative Bank account and, as per the said Scheme, after valuation of work, the 2nd installment of Rs.10 lacs was required to be released. It is alleged that for the said purpose, the present Appellant, who is an employee of the Horticulture Department asked the Complainant to provide any other Bank account as there is difficulty in depositing the amount in the Cooperative Bank. It is further alleged that thereafter, the present Appellant and other co-accused Anchal Rajwade took the Complainant to the Axis Bank for opening an account and another co-accused Shanti Rajwade, who is also an employee of the said Bank, got the account opened by the Complainant there and obtained his signature, Adhaar Card and other papers for opening the account and in a fraudulent manner, they have opened the account of the Complainant at Srinagar Branch, Surajpur and also at another branch of Axis Bank and. It is further alleged that when cheque book and ATM card were not handed over to the Complainant, later on, it has come to his notice that one of his signed cheques was produced for withdrawing the amount of Rs.10, lacs which has been obtained by the present Appellant and other co-accused in a fraudulent manner, therefore, he has given a direction to the concerned Bank for 'stop payment'. It is further alleged that from the grand son of the Complainant, co-accused Achal Rajwade has demanded Rs.4 lacs as commission, therefore, based on these allegations, the aforesaid offence has been registered against the present Appellant.





3. Learned counsel for the Appellant submits that the Appellant is innocent and has been falsely implicated in the crime in question for which, he is languishing in jail since 18.03.2023. He further submits that no loss is caused to the Complainant as the amount has not been withdrawn from his account and further the Appellant has already been arrested, therefore, considering the pre-trial detention and the fact that the trial may take quite some time for its conclusion, he may be released on bail.

4. Per contra, learned Counsel for the State opposed the bail application. However, despite service of notice, none appeared for the Complainant.

5. Considering the facts and circumstances of the case, the submissions put forth by learned Counsel for the parties and the pre-trial detention, without further commenting anything on merits, I am inclined to grant regular bail to the Appellant.

6. Accordingly, the Appeal is **allowed** and it is directed that on Appellant's furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, he shall be released on bail. He shall however, make his appearance before the concerned Court as and when so directed.

Sd/-

(Deepak Kumar Tiwari)
Judge