

Court of Prabhat Kumar Sharma, A.J.C. XVIII, Ranchi
A.B.P. 2500/2022
Argora P.S. Case No. 118/2017 (G.R. No. 2022/2017)
CNR-JHRN01-011142-2022

Yogesh Choudhary, aged about 50 years

S/o Padmakant Choudhary, R/o Behind Pandra College, District- Ranchi.

.....**Petitioner**

Versus

The State of Jharkhand

.....**O.P.**

Ld. Counsel for petitioner – Sri R. Gopal, Adv.

Ld. Counsel for the State - Sri Mohan Kumar, Addl.P.P.

14.11.2022 – Anticipatory Bail Petition filed on behalf of petitioner namely **Yogesh Choudhary**, who is apprehending his arrest in connection with Argora P.S. Case No. 118/2017, corresponding to G.R. No. 2022/2017, u/s 376, 387, 420, 406, 120B, 34 of I.P.C. is put up for hearing along with lower court case record.

Heard to the learned counsel appearing on behalf of petitioner as well as Ld. Addl. P.P. for state.

Learned counsel appearing on behalf of petitioner submitted that petitioner is innocent and has committed no offence and falsely been implicated in this case due to previous enmity by the informant. It is further submitted that it is totally false and concocted that informant met with the petitioner in the year 2006 and petitioner gave her a job offer as a Peskar in Lohardaga Court for which rupees eighty thousand demanded but after taking the money neither did the job nor money was returned and petitioner provided a false joining letter. It is further submitted that petitioner has not got her

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Aadhar card and identity card and got money from Janlakshmi and HDFC. It is further submitted that Investigating Officer of this case without investigation, lodged this case against the petitioner and her wife whereas the informant has not filed any chit of paper against the petitioner. It is also false that petitioner with the help of his brother, goods of Rs. 75,000/- were taken out from the Bharti Enterprises. It is further submitted that if the occurrence of cheating was committed by the petitioner and even the job was not done and also for fake identity card and Aadhar card and money was withdrawn from the bank in her name and also physically abused by petitioner, the informant should have complained to the police station, but she did not report to the police. It is further submitted that this case has been filed against the petitioner and his wife without any documentary evidence and the statement of 164 Cr.P.C. is baseless and lots of contradiction is available in the FIR and statement. It is further submitted that informant had only acquaintance with Sapna Choudhary and informant took wrong advantage of this identity and false rape, cheating, threatening and conspiracy case was filed against them. On the above said grounds, learned counsel prayed petitioner may be allowed on anticipatory bail.

On the other hand, Ld. Addl. P.P. has strongly opposed the prayer of petitioner.

In view of the above submissions of the parties as well as on

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going through the case record, it appears that this case has been registered on the basis of written report of informant Seema Kumari Verma, stating therein that she had married with Santhosh Verma in the year 2003 but due to some family dispute she is living with her mother with her children. It is alleged that in April' 2006 she met with the petitioner and his wife Sapna Choudhary and they had taken huge money from her in different modes and assured to arrange a job. It is further alleged that the above named persons have neither given job nor returned money. It is further alleged that petitioner Yogesh Choudhary has made physical relationship with her and in connivance with Rakesh Roshan Choudhary fraudulently received articles of Rs.75,000/- delivered by Bharti Enterprises. The above transactions have been made by preparing forged documents. Hence this case.

Regard being had the submissions made by the parties and on perusal of the case diary and statement under Section 164 Cr.P.C., it appears that there is a specific allegation against the petitioner that he and his wife have deliberately cheated on the informant and fudged her money. The informant has expressly stated in her statement u/s 164 CrPC about the involvement of the present petitioner in the alleged occurrence; in Para-5 of her statement, she says that the petitioner had arranged to prepare forged Aadhar Card and I.D. card of the informant/victim and also received money from different agencies for which the informant was held liable for

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repayment. In para-6 of the statement of the victim recorded by the Judicial Magistrate u/s 164 Cr. P.C. it is specifically stated that the petitioner had made physical relation with the informant from 2008 to 2016 on pretext of providing job and also to marry her.

Considering the all above discussed facts and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, anticipatory bail petition filed on behalf of the accused petitioner ***Yogesh Choudhary*** stands rejected.

Dictated

Sd/-

(Prabhat Kumar Sharma)
A.J.C. XVIII, Ranchi
JO Code- JH-00500