

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1041 of 2015

B. Devraj Raghvan S/o K.V. Raghvan Aged About 40 Years R/o 1561/80,
Kailash Nager, Bhilai, District Durg Chhattisgarh.

---- **Petitioner**

Versus

State Of Chhattisgarh Through Station House Officer, Telibandha, Raipur Distt.
Raipur Chhattisgarh.

---- **Respondent**

For Petitioners	:	Shri Anurag Jha, Advocate
For Respondent	:	Shri Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/11/2015

The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.188 of 2015 registered at Police Station Telibandha, District Raipur for alleged commission of offence under Section 408, 420 of the Indian Penal Code.

2. This is second application for grant of anticipatory bail.

3. The first application was dismissed as withdrawn on 03-08-2015. Learned counsel for the applicant argued that the allegation that applicant misappropriated the amount collected in his capacity as an Agent of the complainant is baseless. It is submitted that the applicant and other workers of the news agency were being exploited and were not being paid salary. It is submitted that it was not the duty of the applicant to recover charges from the advertisers. The applicant neither collected any amount on behalf of the news agency from the customers nor retained with him. Whatever amount used to be paid was being paid strictly in the name of news agency through cheque, therefore, allegation of misappropriation is a falsehood and the

applicant is being falsely implicated because the news agency treated the applicant as inconvenient employee.

4. On the other hand, learned State counsel opposed the prayer and submits that serious allegations have been leveled against the applicant that he collected huge amount from various customers towards payment of charges of advertisement in the newspaper, but the said amount was misappropriated by the applicant and not deposited with the news agency, therefore, prima facie case is made out.

5. Taking into consideration the statements and on perusal of the case diary as also material on record with regard to collection of amount and non-deposit of the same with the news agency, I am not inclined to grant anticipatory bail to the applicant.

6. The application is therefore rejected.

Sd/-
Manindra Mohan Shrivastava
Judge