

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1103 of 2015

1. Manharan Lal Kewat S/o Mahettar Lal Kewat Aged About 42 Years R/o Qr.No. 69, Village Domadih, Thana Jaijaipur, Distt. Janjgir Champa, Chhattisgarh.
2. Mahadev Soni S/o Ramkrishna Soni Aged About 40 Years R/o Qr.No. 75, Village Sarsinhwa, Thana Bilaigarh, Distt. Balodabazar, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Janjgir Champa, Distt. Janjgir Champa, Chhattisgarh.

---- Respondent

For applicants – Shri Ashutosh Shukla, Advocate.
For Respondent/State – Shri Ramakant Mishra, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order

19/11/2015

1. This application under Section 438 of Cr.P.C. have been filed by the applicants apprehending their arrest in connection with Crime No.352 of 2015, registered at Police Station Kotwali Chowki-Janjgir-Champa, Distt. Janjgir for offence punishable under Section 420, 34 of IPC.
2. According to the case of prosecution present applicant being director of the Pratishtha Infracon Private Limited Company allured the public to invest money through their agent and misappropriated entire amount invested by the public and thereby offence was committed.
3. Learned counsel for the applicants submits that applicants were only directors for specific period of time of five months in the company and

they have resigned in the month of January and March 2014. He further submits that actual directors of the company are other persons and the applicants have not committed any offence and the agents who have collected the amount have already been granted bail by the learned court below, therefore applicants may be extended benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of bail and submits that though charge sheet is filed applicants are still absconding.

5. Taking into facts that applicants are absconding which would go to show that they have not cooperated in the investigation. Further considering the allegations and documents of case diary the investigation may need custodial interrogation. Considering the same, I am not inclined to extend benefit of anticipatory bail to the applicant as the provisions of section 438 of Cr.P.C are not meant for cases like this nature.

6. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE