

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 905 of 2015

Karunakaran Kaushik S/o Shri Gyaneshwar Kaushik Aged About 41 Years R/o M. I. G. - II/2977, C. G. Housing Board, Industrial Area, Ward No. 16, P. S. - Jamul, Bhilai, Tahsil & District Durg, Revenue Tahsil & District - Durg (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : Officer In Charge Police Station, Mohan Nagar Durg, Tahsil & District - Durg (Chhattisgarh).

---- Respondent

For Applicant	:	Shri V.G. Tamaskar, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

Order On Board

17/09/2015

Heard.

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 250/2014, registered in Police Station- Mohan Nagar, Durg, for alleged commission of offence under Section 420/34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant and other co-accused induced fraudulently the complainant that they will get his son admitted in a medical institution and it is alleged that by such fraudulent inducement, a total amount of Rs.50 lakhs was collected at different point of time.
3. Learned counsel for the applicant submits that the applicant is being falsely implicated merely because at one point of time, he happened to be the Director of the Company. He submits that the applicant has already resigned from the post of of Director of Laxmi Narayan Educations Pvt. Ltd. w.e.f. 1.4.2010 and his resignation has also been accepted by the said company. Therefore, the allegation of the complainant that money was given to the applicant also along with other co-accused is highly improbable and false implication.
4. On the other hand, learned counsel for the State submits that in the FIR and the diary statement, a clear statement has been made by the complainant that the inducement

was given and money was collected by more than one accused including present applicant.

5. Taking into consideration the submissions made by learned counsel for the parties and the material on record, I am not inclined to grant anticipatory bail to the applicant.
6. The application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)

Judge