

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1019 /2015

Niranjan Agrawal, S/o. Late Ramlal Agrawal, Aged About 50 Years,
R/o. Dubey Colony, P.S. Mova, Civil & Revenue District Raipur
(Chhattisgarh).

---- Applicant

Versus

1. State Of Chhattisgarh, Through: District Magistrate, Raipur
(Chhattisgarh).
2. Smt. Nirmala Mahulkar, W/o. Late Yashvant Mahulkar, Aged About
60 Years, R/o. Momin Para, H.M.T. Chowk, Tatya Para, Civil &
Revenue District Raipur (Chhattisgarh)

---- Respondents

For Applicant : Mr. Devershi Thakur, Advocate

For Respondent No.1 : Mr. Neeraj Jain, Govt. Advocate

For Respondent No.2 : Mr. M.K.Bhaduri, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

10/12/2015

1. Apprehending arrest in connection with Cr. Complaint Case
No.554/2013 pending before J.M.F.C., Raipur, for the offence
punishable under Section 420, 467, 468, 471 of Indian Penal Code,
the applicant has preferred this application under Section 438 of the
Code of Criminal Procedure for grant of anticipatory bail.
2. Learned counsel for the applicant submits that the applicant had
entered into a rent agreement with the complainant Nirmala
Mahulkar in the year 2004 and subsequently the same was
renewed and on the basis of such renewal, the Bar licence was
obtained by the applicant conjointly with the son of the complainant
and he has not been made accused. He further submits that the
complainant's son continued the business alongwith the applicant

which goes to show that the renewal of licence of rent was on the behest of the complainant and the false complaint has been made.

3. Per contra, learned State counsel and learned counsel for the Objector vehemently opposes the anticipatory bail application and they would submit that even before the Court, the correct copy of memo of complaint has not been filed which do not bear the date and in order to camouflage the same by interpolation such copy of the memo of complaint has been filed; whereas the certified copy of the complaint bears the date i.e. 20.11.2006. It is further submitted that despite the complaint having been registered, first notice was issued and thereafter bailable warrant was issued and subsequently non-bailable warrant was issued, however, the applicant did not appear.
4. I have heard learned counsel for the parties and perused the case diary.
5. The order sheet of the Court below dated 08.09.2015 is perused wherein it shows that despite service of summons and bailable warrant, the applicant remained absent. Considering the facts of this case and the way the appearance has been avoided, I am not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant, as perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required. Consequently, I am not inclined to allow the application.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge