

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 300 of 2016

- Harisharan Dwiwedi S/o Late Shri Janki Prasad Dwiwedi
Aged About 55 Years R/o Sivni, P.S. Marvahi, District
Bilaspur, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Station House Officer,
Pendra, District Bilaspur, Chhattisgarh. --- **Respondent**

For the applicant : Mr. V.C. Ottalwar, Advocate.
For the Respondent : Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01.04.2016

1. Apprehending arrest in connection with Crime No. 58 of 2016 registered at Police Station Pendra, District Bilaspur (C.G) for the offences punishable under section 420, 467, 468, 471, 170, 34 & section 170/34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, in the year 2009 the applicant along-with other co-accused came to the complainant personifying themselves as employees of BSNL and offered him that in case he allows a tower to be installed in his land, an amount of Rs.1,50,000/- would be paid and further rent of Rs.5000/- per month would also be paid. Subsequent to that, on one day, the applicant came to the complainant and gave him two cheques of Rs.7000/- and Rs.5000/- and after gaining the confidence, it was stated that in order to install the tower asked the complainant to pay Rs.75,000/- and on

such assurance Rs.75,000/- was paid to Madhukar Dwivedi, the other accused. Subsequently when the tower was not installed the complainant inquired and went to the house of Madhukar Dwivedi where this applicant who was stated to be the SDO Telephones was also present and ultimately the amount was not returned. When the enquiry was made at BSNL Office, Bilaspur, the personification of the applicant was found to be forged.

3. Learned counsel for the applicant submits that the the incident is of the year 2009 and the report was made in the year 2016. He further submits that it is a case of dishonour of cheque and the father of the applicant Madhukar Dwivedi who is a Press Reporter of *Nav Bharat* daily newspaper has asked for different information under RTI Act, therefore, this applicant being son has been falsely implicated. It is further submitted that the applicant is a teacher.
4. Per contra, learned State Counsel opposes the prayer for grant of bail. .
5. Perused the case diary which contains the copies of Cheques issued by the applicant and other co-accused.
6. Taking into totality of the entire facts and circumstances and the nature of allegations against the applicant, I am of the opinion that present is not a fit case where the benefit of section 438 can be extended. Accordingly, this anticipatory bail application is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**