

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC(A) No. 1242 of 2015**

Suraj Kumar Shrivastava S/o Late M. M. Shrivastava, Aged About 42 Years R/o Railway Colony, Dhanpuri, Dist.- Shadol (Madhya Pradesh)

---- Applicant

Versus

State Of Chhattisgarh Through S. H. O. Police Station - Tarbahar, Dist. - Bilaspur (Chhattisgarh)

---- Respondent

For applicant – Shri Ravindra Sharma, Advocate.
For Respondent/State – Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****1/02/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.209 of 2015, registered at Police Station Tarbahar, Dist. - Bilaspur (C.G.) for offence punishable under Section 420/34 of Indian Penal Code.
2. Learned counsel for the applicant submits that applicant was only employee of the Vaidehi Management and Services Private Limited and the complaint was made by one Pardeshi Lal and the entire allegations have been attributed to Anurag Konher, Abhijeet and Suresh Astikar and the money was received by the company and not by this applicant. He submits that applicant is only an employee and therefore allegations are against company. Learned counsel submits that amount of Rs.5,50,000/- has been given back to the complainant. Therefore, learned counsel submits that the applicant may be granted benefit of anticipatory bail.
3. Learned State counsel opposes the prayer for grant of anticipatory bail and submits that the company wherein the applicant along with others were in the helm of affairs has allured the complainant and different persons and two plots of 1500 sq.ft. were agreed to be provided and amount of

Rs.5,50,000/- each was received. Subsequently, it was discovered that plot which was shown did not belong to the company and therefore at this stage it cannot be stated that applicant has not played any role, therefore he may not be granted benefit of anticipatory bail.

4. I have perused the case diary and the statement of Pardeshi Lal. In statement of Pardeshi Lal allegations have been attributed to Anurag Konher, Abhijeet and Suresh Astikar along with this applicant. Perusal of the statement further shows that when enquiry was made though cheque was given it was found no amount was lying in the account of the company. Perusal of the statement at this stage it cannot be conclusively held that the innocence of the applicant can be ascertained. The report is under investigation. Taking into such allegagtion, I am not inclined to extend benefit of anticipatory bail to the applicant.

5. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE