

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1352 of 2015**

Pankaj Mishra S/o Rajesh Mishra Aged About 27 Years R/o Sunder Vihar Colony, Plot No. 16, Kurud, Tahsil And District - Durg Chhattisgarh, At Present S-9/34-1 Hukulganj, New Basti, Pandeypur, Varanasi, District - Varanasi (U.P.).

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station - Ambagarh Chowki, District - Rajnandgaon Chhattisgarh.

---- Respondent

For applicant – Shri Rahul Mishra, Advocate.
For Respondent/State –Shri Anant Bajpai, PL.

Hon'ble Shri Justice Goutam Bhaduri**Order****2/02/2016**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 240 of 2014, registered at Police Station Ambagarh Chowki, District – Rajnandgaon (C.G.) for offence punishable under 420, 34 of IPC.
2. As per the prosecution case one Jan Manch Welfare Trust Mumbai floated scheme i.e. free computer education to the children through computer institutions and received Rs.17,500/- from each of the centers/computer institutions in shape of registration fee and franchise fee, and promised that in turn computer centers will get Rs.1 lakh per year. It is further case of the prosecution that applicant who is District Coordinator of the said trust accepted the registration fee and franchise fee, thereby the applicant along with the other co-accused have cheated the complainants.
3. Learned counsel for the applicant submits that applicant was only working as employee of Jan Manch Welfare Trust and the money which was received was handed over to the trust and was not retained in cash

by the applicant. It is further submitted that co-accused Jyoti Tiwari State Coordinator has been enlarged on bail by the coordinate bench of this court in M.Cr.C. No.3750/2015, M.Cr.C. No.3751/2015 & M.Cr.C. No.3752/2015 on 5/08/2015. It is further submitted that the applicant himself was victim, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail and submits that charge sheet has been filed and the applicant was absconding, therefore applicant may not be granted benefit of anticipatory bail.

5. I have perused the case diary, applicant is absconding and charge sheet has been filed showing that. Taking into fact that applicant is absconding and in his absence charge sheet has been filed and also considering the role played by the applicant, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE