

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 719 of 2016

- Bhagwal Singh Chauhan S/O Mahendra Kumar Singh Aged About 24 Years R/O Village Semri, Distt. Rewa M.P.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Amlipadar, Gariyabandh Chhattisgarh

---- Respondent

For Applicant : Mr. Anjinesh Shukla, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10-08-2016

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No.15 of 2015 registered at Police Station Amlipadar, Gariyaband (CG) for offence punishable under Sections 420 and 507 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Khemraj that he received a telephone call that he has been selected in lucky draw and if he deposits Rs.25,000/-, he will get Rs.25,00,000/-, therefore, he deposited Rs.25,000/- in the bank account of Mahendra Kumar Bharti. Subsequently, when the amount was not deposited again telephone call was made and stated that on depositing Rs.50,000/-, Rs.30,00,000/- would be paid, but when the amount was not paid, further phone call was made

by the applicant that if he does not deposit Rs.25,000/-, the entire money would be forfeited. Subsequently, amount of Rs.25,000/- was deposited in bank account of the applicant and thereby the applicant deceived the complainant.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, he is a student and regular amount was being sent by his family members in his account, therefore, he was not known as to how much amount has been transferred in his account from his parents, therefore, he has not committed any offence. He would further submit that the main offence has been committed by one Mahendra Kumar Bharti, who has been enlarged on regular bail, therefore, the applicant may be extended the benefit of anticipatory bail.
4. *Per contra*, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties.
6. Perused the case diary and documents which would show that the amount of Rs.25,000/- was deposited by the complainant in the account of the applicant.
7. Case of the present applicant is different that of co-accused Mahendra Kumar Bharti who has been granted regular bail on the ground that he has returned the amount which was deposited by the complainant.

8. Considering the facts and circumstances of the case, nature and gravity of the offence, the manner in which the aforesaid offence was committed and further considering the role played by the applicant, I am of the considered opinion, *prima facie*, that it is not a fit case where benefit of anticipatory bail can be extended to the applicant.
9. Accordingly, the application filed under Section 438 of the Cr.P.C., for grant of anticipatory bail is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju