

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 803 of 2016**

- Haitram Sahu S/O Shri Ganga Prasad Sahu Aged About 40 Years R/O Village Khajri, Thana & Tahsil Belaigarh, District Baloda Bazar, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Incharge Police Station Chakerdhar Nagar, Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Rakesh Sahu, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****24-08-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 125 of 2016 registered at Police Station Chakerdhar Nagar, Raigarh (CG) for offence punishable under Sections 420, 120(B)/34 of the IPC read with Section 6(5) of CG Ke Nikchaypako Ky Hito Ka Sanrakshan Adhiniyam 2005 & 2015.
2. Case of the prosecution, in brief, is that a report was made by the complainant Vivek Shrivastava that at the instance of the applicant, he had deposited Rs.50,000/- in Sai Real Estate Company which gave assurance to return the amount with high interest. Subsequently, the amount was not returned to the complainant and thereby the aforesaid offence has been committed.
3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and he has been falsely implicated in the case. He would further submit that frivolous

complaint has been made against the applicant and the applicant is only working as an agent in the said company and he has not taken any policy decisions, therefore, the applicant may be enlarged on anticipatory bail.

4. On the other hand, learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel for the parties and have perused the case diary and documents.
6. Considering the facts and circumstances of the case and also the fact that the amount was collected from the complainant by Sai Real Estate Company and the role of the applicant is yet to be ascertained and further considering the allegations leveled against 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.
7. Accordingly, the the application filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju