

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 699 of 2016**

- Shanker Markam S/O Late Shri Gangaram Markam Aged About 43 Years R/O Bangali Chal, Basantpur, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Rajnandgaon, District - Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant : Mr. B.P. Singh, Advocate

For Respondent/State : Mr. Luv Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****09-09-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 349 of 2016 registered at Police Station City Kotwali, Rajnandgaon (CG) for offence punishable under Sections 342 and 384 of the IPC.
2. Case of the prosecution, in brief, is that on 21-5-2016 a report was made by complainant Shekharlal Yadav that he is a retired employee of F.C.I. And wanted to invest some money in LIC to get high return and requested the applicant to get the amount arranged which was made and thereafter Rs.22,00,000/- was invested in the LIC policies and out of the total amount, interest was being paid approximately Rs.70,000/- to 75,000/-. When the certain amount of interest was not paid, the complainant was pressurized to repay the entire amount and two houses were sold for Rs. 50,00,000/- at the instance of the applicant. Thereafter the applicant stated that

the amount is inflated to Rs.60 lakhs – 65 lakhs whereby the amount of CPF Rs.67,90,000/- was deposited in Punjab National Bank and the complainant was asked to repay the entire amount, thereafter he was abducted to a place where another bank account was opened and the applicant got the empty cheques signed forcibly and thereafter withdrew the amount and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated, the applicant had advanced the amount to complainant and since certain amount was paid, the complainant does not want to repay the rest of the amount and subsequently false allegations have been made against the applicant. He would further submit that the applicant was brutally beaten by Police for which different writ petitions have been filed. It is further submitted that the complainant along with applicant went to different places which would show the relation of the applicant and the complainant. He would further submit that the applicant has been given threat and if the applicant is arrested then he will be naked in the public, therefore, considering all the facts and circumstances of the case, benefit of anticipatory bail may be extended to the applicant.
4. Learned State counsel opposing the prayer for grant of anticipatory bail would submit that apart from this case, eight more criminal cases under different sections of IPC have been registered against the applicant. He would further submit that since the matter is being investigated, interrogation of the applicant would be necessary, therefore, he does not deserve to be released on anticipatory bail.

5. I have heard learned counsel for the parties and perused the case diary and documents.
6. Perused the statement of the complainant in which positive allegations have been attributed to the applicant.
7. Taking into consideration the facts and circumstances of the case, considering the past antecedents and background of the applicant and further considering the statement of the complainant in which positive allegations have been attributed to the applicant and also the fact that eight cases are to the credit of the applicant in different Sections of IPC, 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.
8. 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.
9. It has been further submitted by counsel for the applicant that the applicant may be subjected to Police atrocities.
10. It is made clear that in case the applicant is arrested, he would be sent for medical examination to the District Hospital within a period of 12 hours without any delay and a copy of the arrest memo of the applicant be sent to his family members immediately and to the concerned Magistrate having jurisdiction.

Sd/-
(Goutam Bhaduri)
Judge

Raju