

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 770 of 2016

- Santosh Nair S/o N.P. Shubhash Aged About 42 Years R/o Pushpak Nagar, Police Station Mohan Nagar, Durg, District Durg, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Mohan Nagar, Durg, District Durg, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr. Goutam Khetrapal, Advocate.
For the Respondent	:	Mr. Neeraj Jain, Govt. Advocate.
For the Objector	:	Mr. P.R. Patankar, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.09.2016

1. Apprehending arrest in connection with Crime No. 250 of 2014 registered at Police Station Mohan Nagar, Durg, Distt. Durg (C.G) for the offences punishable under section 420/34 of IPC , the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, one Premlal Jangel lodged a report that he has deposited Rs.10 lakhs, Rs.14 lakhs & Rs. 21 lakhs to get his son admitted in medical course, the amount was paid to Laxmi Narayan Educational Society and the applicant was also involved. Subsequently the son was not admitted in medical course and the money was not returned.
3. Learned counsel for the applicant submits that the applicant was only an employee of the institution and the directions of Institution Arvindam Ghosh and

Karunakaran Kaushik and the amount was paid to the institution and not to the present applicant, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel and learned counsel for the objector vehemently opposes the prayer for grant of bail and would submit that the bail application of similarly placed co-accused Karunakaran Kaushik who is said to be director of Laxmi Narayan Educational Society has been rejected by the coordinate Bench vide order dated 17.09.2015 passed in M.Cr.C(A). 905/2015.
5. Perused the statement of complainant.
6. Considering such statement and the fact that the bail application of other director Karunakaran Kaushik has been rejected by the coordinate Bench of this Court, it is not a case where the benefit of section 438 Cr.P.C., can be extended to the present applicant. Accordingly, the bail application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**