

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 804 /2016

1. Doodhnath Mishra, S/o. Late Shri Lakshmikant, Aged About 52 Years.
2. Shashank Mishra, S/o. Shri Doodhnath Mishra, Aged About 19 Years.

Both R/o. Sharma Ashram Colony, Ward 35, Jone 3, Khursipar, Bhilai, P.S. Khursipar Bhilai, District Durg, Chhattisgarh.

---- Applicants

Versus

1. State Of Chhattisgarh, Through The District Magistrate, Durg, Chhattisgarh.
2. Santosh Singh, S/o. Badera, Aged About 21 Years, R/o. Ghasidas Nagar, Near Jamul Thana, Ward 15, Samta Chowk, Bhilai, Tahsil & District Durg, Chhattisgarh.

---- Respondents

For Applicants	:	Mr. Vipin Tiwari, Advocate.
For Respondent No.1/State	:	Mr. Sangharsh Pandey, Govt. Advocate
For Respondent No.2/Objector	:	Mr. Jitendra Gupta, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

26/10/2016

1. Apprehending arrest in connection with Complaint Case No.4980/2016 registered by the Judicial Magistrate Class-I, Durg (C.G.) for the offence punishable under Section 420, 34 of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a complaint is filed under Section 420 of IPC by Santosh Singh that the applicant in order to provide job to the complainant has received an amount of Rs.4,95,000/- as they are known to one Colonel Singh who can provide them job; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant himself is the victim, he has also paid an amount to one Colonel

Singh for which the FIR was lodged on 10.04.2015 and he along-with other 13 persons have paid the amount to Colonel Singh and the complainant had also stated that the complainant has also paid the amount to Colonel Singh, which was not paid to the applicant, therefore, the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel and counsel for the objector opposes the prayer for grant of anticipatory bail. In the earlier occasion, State was directed to bring the FIR which was lodged by the present applicant Doodhnath.
5. Perused the case diary and the documents. Also perused the FIR lodged by Doodhnath, which was requisitioned by the Court in the earlier hearing, which contains the statement of Santosh Singh. Considering such statement, this is not a case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. Accordingly, the bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge