

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 614 of 2017

- Himanshu Thakur S/o Rudramani Singh Thakur, Aged About 26 Years, R/o Ward No. 15, Khedapati, Hanuman Mandir Chawk, Kabirdham, Civil Revenue District Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kawardha, Civil & Revenue District Kabirdham, Chhattisgarh.

---- Non-applicant

For Applicant – Shri N.K. Malaviya, Advocate.

For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10-11-2017

1. Heard on the application filed under Section 438 of the Cr.P.C. The applicant is apprehending his arrest in connection with Crime No.160/2017 registered at P.S. Kawardha, District Kabirdham, C.G. for the offence under Section 420 of the IPC.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is earning his livelihood in a private company. Complainant Ajay Lahariya has a grudge with the family of the applicant and he has demanded Rs.50,000/- from father of the applicant and threatened that if the amount is not given, he shall realize four times the amount demanded, because of which the applicant and his family are feeling harassed. The FIR lodged by the complainant in this regard is totally false and no case is made out against the applicant.

3. Learned counsel for the State/non-applicant opposes the application and submission and submits that complainant Ajay Lahariya has submitted a written complaint against the applicant alleging in it, that the applicant induced the complainant that he has connections with Minister in the Govt. of C.G. and

he can arrange for the compassionate appointment of the complainant for which the complainant has been trying for years and had not succeeded. On this pretext, the applicant has received the amount on various dates to the tune of more than 2 lacs and thereafter lastly a fake appointment letter was given by the applicant to the complainant, which was confirmed as fake by the said office in which the complainant was supposed to join the service, on the basis of this statement of the complainant and other evidence on record the applicant is not entitled for grant of bail. It is also submitted that the applicant has previous incident of having criminal case registered against him under Section 420 of the IPC.

4. Heard learned counsel for both the parties and perused the case diary.

5. Considering the submissions and the contents of the case diary and specific statement of the complainant and the witnesses, I am of this view that this is not a fit case where the applicant should be granted anticipatory bail.

6. Consequently, the application (MCRCA No.614/2017) filed under Section 438 of the Cr.P.C. by the applicant is hereby dismissed. However, it is directed that if the applicant surrenders before the trial Court, the trial Court shall consider the application of regular bail of the applicant as far as practicable on the same day of the surrender.

7. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge