

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 758 of 2017**

Sunil Gupta S/o Shivprasad Gupta, Aged About 28 Years Junior Engineer, Chhattisgarh State Power Distribution Company Limited, Centre Piparia, Tehsil Kawardha, District Kabirdham(C.G.) At Present R/o Mahamaya Chowk, Pandaria, Tehsil Pandaria, Kawardha, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Throgh: Police Station Kawardha, District Kabirdham Chhattisgarh.

---- Respondent

For applicant – Shri Manoj Paranjpe, Advocate.

For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****7/12/2017**

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 217/2017 registered at Police Station Kawardha, District Kabirdham for offence punishable under Section 420 of Indian Penal Code.
2. As per the prosecution case, a report was made by Vishnu Markam and Arjun Patel that they applied for electricity connection for their agriculture. At that time, the applicant who was posted in the electricity department asked them to deposit Rs.12500/- each which have been deposited. Amount having been paid to him subsequently receipt of Rs.1376/- and Rs.926/- was given. It is further case of the prosecution that the said amount was taken by the applicant with allurements that further subsidy would be granted to them being member of OBC, SC and ST category.
3. Learned counsel for the applicant submits that there is no evidence

on record to show that each complainant have paid Rs.12500/- and the receipts for different amounts were given. It is further submitted that as per the norms and requirement notice were issued for deposit, however subsequently line has also been provided and the receipts have also been issued for the amount which has already been deposited. He further submits that affidavit has been filed by the complainant that they do not want to prosecute their cause, therefore the applicant may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the case diary. FIR was registered on 3/08/2017. Statement of Arjun Patel and Vishnu Markam were recorded on 5/08/2017 and 9/08/2017 wherein allegations have been attributed. Subsequently it appears that the applicant has tried to influence the witnesses who are villagers and affidavit is placed on record of complainant about no objection. In the facts of this case, it cannot be said that custodial interrogation may not be required. Therefore, I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE