

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1176 of 2016

- Rahul Goyal S/o S. K. Goyal Aged About 25 Years R/o Near Railway Station, Post Naila, District Janjgir Champa Chhattisgarh --- **Petitioner**

Versus

- State of Chhattisgarh through : Police Station Maudhapara, District Raipur Chhattisgarh --- **Respondent**

For the applicant	:	Mr. Siddharth Rathod, Advocate
For the Respondent	:	Mr. Sangharsh pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.01.2017

1. Apprehending arrest in connection with Crime No.31/2016 registered at P.S. Maudhapara, District Raipur (C.G) for the offence punishable u/ss 409, 418, 420, 467, 468, 120-B, 34 IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, the applicant with the connivance of co-accused Amit Parasram Choudhary, the insurance agent gave a cheque to cover the vehicle under the Policy and the cheque bears the back date of 12.04.22015 whereas some accident took place on 14.4.2015 thereby all the efforts were made to generate a fake policy to evade the liability of the applicant being the owner of the vehicle which met with accident on 14.4.2015.
3. Learned counsel for the applicant would submit that the amount was transferred to the agent on 17.04.2015 and the applicant has not committed any offence, therefore, the

applicant may be admitted to anticipatory bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and documents. It appears that in order to avoid the liability of the applicant being the owner a cheque with back date was issued and on that basis a fake policy was generated.
6. Taking into the nature of allegations levelled against the applicant and the facts and circumstances of the case, I am not inclined to extend the benefit of provisions of Section 438 Cr.P.C., to the applicant. Accordingly, this bail application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**