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HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case (A) No.1246 of 2016

- Rajesh Kumar S/o Prabhakaran Aged About 47 Years Working As Regional Manager, Cholamandalam Finance Company, R/o No. 45, Prestige Libra, Second Floor, Lalbagh Road, Bangalore-27.

---- Applicant

Versus

- Uttam Singh Domir S/o Shri Manohar Singh R/o Chandela Vihar Police Station Civil Lines Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Shri RS Marhas, Advocate
For Respondent : Shri Surfaraj Khan, Advocate

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

29.3.2017

This application under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the Code') has been filed by the applicant apprehending his arrest in connection with Complaint Case No.2279 of 2011 registered in the Court of Chief Judicial Magistrate, Bilaspur for the offence punishable under Sections 420 and 406 of Indian Penal Code.

2. Learned counsel for the applicant would submit that the applicant is innocent, he has not committed any offence, he will cooperate with the trial, non-bailable warrant of arrest is already issued for the appearance of the applicant, the Court below has registered the offence under Section 420, 406/34 of the Indian Penal Code on a complaint filed by the respondent.

3. Per contra, learned counsel for the respondent opposed the arguments advanced on behalf of the applicant.

4. After perusal of the material available in the record, I am not inclined to grant anticipatory bail to the applicant under Section 438 of the Code.

5. Consequently, the application is dismissed. However, the Court below, while hearing the matter under Section 439 of the code, shall not influence by the order passed by this Court in the instant application and shall decide the application under Section 439 of the Code on its merits and as per the law.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE

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