

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 431 of 2018

1. Sunil Kumar S/o Mahender, Aged About 29 Years, R/o H. No. -7, Near Gurudwara Vill tihar, New Delhi – 110018, P. S. Tihar, Delhi, District : New Delhi, Delhi
2. Rahul Kumar S/o Shiv Kumar, Aged About 26 Years, R/o H- No. 147, Vill Surya Vihar, Village Sehatpur, P. S. Suryanagar, Faridabad - 121002, District Faridabad Haryana, District : Faridabad, Haryana

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station New Rajendra Nagar, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Abhinav Kardekar, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-07-2018

1. Apprehending arrest in connection with Crime No.143/2017, registered at Police Station – New Rajendra Nagar, Raipur, Chhattisgarh for offence punishable under Section 420, 467, 468, 34 of the IPC, the applicants have preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. An advertisement had been published for grant of franchisee of S.R.R.M. Courier and Cargo Service Limited, as the formalities could not be completed in favour of the complainant, he has lodged the false FIR against the applicants. It is a case of civil nature. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail. Learned counsel for the applicants placed reliance on the judgment delivered by Hon'ble the Supreme Court in the matter of **Sunil Bharti Mittal Versus Central Bureau of Investigation**, reported in (2015) 4 SCC 609.

3. Learned counsel for the State/non-applicant opposes the application

submitting that a number of other cases are registered against applicant No.1 who has committed offence of similar nature using various alias names. The said company is fraud company which is constituted for the purpose of cheating innocent persons. Offences have been registered against this company in Delhi, Bangalore and Noida also. Hence, no case is made out for grant of anticipatory bail to these applicants.

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

5. As per the prosecution case, complainant Ashok Chaturvedi has lodged the FIR alleging that an advertisement was published in newspaper by S.R.R.M. Courier and Cargo Service Limited, attracted by which, the complainant made contact with the concerned and on inducement given by both these applicants a huge amount has been deposited by him in the details of the bank account in IndusInd Bank, Yes Bank and Axis Bank. As no franchisee was obtained by the complainant and he came to know about the fraud and cheating committed with him, he has lodged the FIR.

6. On perusal of the case diary, it appears that these applicants seem to be involved in commission of offences of similar nature and the identity of both the applicants is also a question which needs further investigation, hence, for these reasons, I do not feel inclined to grant anticipatory bail to these applicants.

7. Consequently, the anticipatory bail application filed by the applicants under Section 438 of the Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge