

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 504 of 2018**

Mayank Pandey, S/o. Late Shri C. S. Pandey, Aged About 52 Years,
R/o.Ghanshyam Homes, B/602, Vyapar Vihar, District Bilaspur,
Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : S.H.O., P.S. Tarbahar, District Bilaspur,
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Achyut Tiwari, Advocate
For Respondent/State	: Mr. Ashish Shukla, G.A.
For Objector	: Mr. Ravindra Sharma, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**24/10/2018**

1. Apprehending arrest in connection with Crime No. 40/2017, registered at Police Station – Tarbahar, District – Bilaspur (C.G.) for offence punishable under Section 420, 467, 468, 471, 120, 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. The main accused in this case is Ashutosh Shrivastava, who has been acquitted by the trial Court and the case against the applicant Harish Rao has been quashed by this Court. The allegation in this case has been mainly against the main -accused Ashutosh Shrivastva, hence, under these circumstances, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the applicant is the main accused in this case as because of the inducement given by him, the complainant paid him huge amount as illegal gratification to get the nephew of the complainant appointed in the railways, thereafter, forged appointment letters were also issued by him. Hence, there is prima-facie case against the applicant, therefore, the applicant is not entitled to grant anticipatory bail.
4. Counsel for the objector after adopting the argument advanced by the learned counsel for the State submits similarly that this applicant being the main accused in the case is not entitled for grant of anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. A written complaint was given by the complainant Dharmendra Singh stating that he was induced by this applicant that he can influence the officers of the railway department and he can get the persons appointed in the jobs in railway. The complainant asked to get his nephew appointed in railway job against which, this applicant made a demand of Rs.20.00 lakhs because of which, the complainant transferred Rs.17.00 lakhs into the account of this applicant and the co-accused Harish Rao. Subsequently, the appointment letters were given to nephew of the complainant, which were found to be fake and forged. Hence, this case.
7. The acquittal of the co-accused Ashutosh Shrivastava can not be made a ground in favour of this applicant. Similarly, the criminal

proceeding against the accused- Harish Rao has been quashed by this Court on the basis of the compromise with the complainant, which is not the case for the applicant.

8. After considering on the entire material present on record and the evidence present against the applicant I am of this opinion that strong case is made out against the applicant and there is no extraordinary case in his favour so as to benefit with grant of anticipatory bail. Hence, after due consideration, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
9. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram