

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 484 of 2018**

Amit Kannouje, S/o. Shri Rajkumar Kannouje, Aged About 32 Years, R/o. Kargi Road Kota, P. S. and Tahsil Kota, Civil and Revenue District Bilaspur Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Civil Lines, Bilaspur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sunil Sahu, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/06/2018**

1. Apprehending arrest in connection with Crime No.907/2017, registered at Police Station – Civil Lines, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 420 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. Firstly the complainant in this case has filed a written complaint on 30.06.2017, which was not registered as FIR by the Police because of which, the complainant – Sunil Patel came before this Court in W.P.(Cr.) No.369/2017, which was allowed by order dated

21.09.2017 and the police was directed to take action on the complaint filed by him. It was after passing of the order, FIR was registered against the applicant. The statement of the complainant in the FIR by itself does not give details as to the amount received by the applicant on various dates . The applicant admits that he had borrowed Rs.1,30,000/- from the complainant which he had returned, rest of the complaint made by the complainant are false and frivolous. Therefore, 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 some seizure of banks statement have been made from the complainant, which shows transfer of amount to the applicant through bank and apart from that there is statement of complainant that he had handed over the amount of Rs.30,52,000/- to the complainant on various occasion for which he also used the sale proceeds of his land and matter is still under investigation, therefore, it is prayed that the applicant may not be enlarged on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. The allegation against the applicant is this that on the pretext of providing government job in railway department, the applicant induced the complainant to pay him illegal gratification for doing so and has received the amount as mentioned above.
6. Considered the submission made and the contents of the case diary. The case is being investigated and it is not the stage to

disbelieve the statement made by the complainant, which may be under consideration before the investigation officer, thereafter, before the trial Court. It appears that there may be requirement of custodial interrogation of the applicant. Considering the facts and circumstances of the case, this Court is of the opinion that it is not a fit case, where the applicant should be extended the benefit of Section 438 of Cr.P.C.

7. Accordingly, the anticipatory bail applications filed under Section 438 of Cr.P.C. is rejected.

Certified copy as per rules.

(Rajendra Chandra Singh Samant)
Judge