

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 871 of 2018**

Shankar Lal Gupta, S/o. Late Dwarika Prasad Gupta, Aged About 48 Years, R/o. Ramayan Chowk, Chantidih, Bilaspur, Police Station Sarkanda, District Bilaspur Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Sarkanda, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant	: Mr. Goutam Khetrapal with Mr. Ashish Gupta, Advocates
For Respondent/State	: Mrs. Madhunisha Singh, Panel Lawyer
For Objector	: Mr. Suryakant Mishra, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**11/09/2018**

1. Apprehending arrest in connection with Crime No.478/2018, registered at Police Station – Sarkanda, Bilaspur, District – Bilaspur (C.G.) for offence punishable under Section 408 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 case against the applicant is totally fabricated and he has not embezzled any amount in this case. There is no such evidence to connect that the applicant has received amount from the various merchants. As the

incident was started from 01.01.2016 and continued upto 02.07.2018, it is clear that the FIR is delayed by two years. Hence, it is prayed that 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 has not only committed the offence of breach of trust, but he has cheated the several other person similarly and number of persons have got to recover amount of cheating from the applicant. Hence, he is not entitled to be released on bail.
4. Counsel for the objector adopting the arguments advanced by the learned counsel for the State submits that in fact the applicant has cheated and embezzled about Rs.70-75 lakhs which he had received from various merchants and traders. The applicant has admitted this fact in a meeting that the complainant and others who have realized the amount from the applicant. Hence, the application be rejected.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. According to the FIR lodged, the complainant Ashish Dixit had employed the applicant as his – Munshi and he had responsibility of making sale purchase and collect amount from various traders and merchants. It is alleged that in the period of two years, the applicant used to receive full payments from the traders and merchants and he deposited half of the payment with the complainant, showing the rest of the amount as outstanding. The complainant had some doubt, he had made an enquiry from that it has come to fore the applicant has cheated Rs.25.00 lakhs regarding which the applicant

could not give any explanation to him. In further enquiry by the complainant, he found that the applicant had taken payment from number of other person and in total he has to returned the amount about more than Rs.70.00 lakhs.

7. Considered the submissions made and the contents of the case diary. After considering the material present in the case diary and the evidence i.e. proposed against the applicant in this case, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram