

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1040 of 2018**

Ramkumar Naik, S/o. Shankar Lal Naik, Aged About 42 Years, Caste Aghariya, R/o. Village Sarkanda, Post Office, Police Station and Tahsil Basna, District Mahasamund, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Mulmula, District Janjgir Champa Chhattisgarh

---- Respondent

For Applicant : Mr. Shivendu Pandya, Advocate

For Respondent/State : Mr. N.K. Mehta, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****10/10/2018**

1. Apprehending arrest in connection with Crime No.36/2018, registered at Police Station – Mulmula, District – Janjgir-Champa (C.G.) for offence punishable under Section 420/34 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. No case is made out against the applicant. The applicant is the doctor in Homeopathy and is Director of Public Health Care Organization at Basna and his organization was running some training program, which was recognized by the State officials, regarding which the copy of correspondence that has been made are attached along with the application. This applicant had not taken any money from any of the complainant to provide them job and on the contrary, he

had obtained Rs.9.00 lakhs from the complainant regarding which he had given acknowledgement on stamp to the complainant. It is also submitted that the complainant was responsible for getting candidates to be admitted in that programs and he had collected fees from each of the candidates and had not deposited the same in the account of the applicant. Hence, under these circumstances it is prayed 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.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. FIR has been lodged by Balkirshna Yadav stating that he came in contact with the applicant and other co-accused persons and he was given inducement that he can get appointment to the post of Health Worker for which he was asked to pay Rs.5.00 lakhs. The complainant along with other persons paid him Rs.9.00 lakhs to the applicant and other co-accused persons. Some payments were also made to the applicant and other co-accused persons, on further demand made by them and ultimately no job was procured for the complainant and others and no refund was either made. The total amount alleged to be collected by the accused persons is Rs.24,67,000/- by inducing the complainant and other persons. Hence, this case.
6. Considered the submissions made and the contents of the case diary. The statements that have been made on behalf of the applicant can be a ground in his defence. According to the material present in the case diary, no extra ordinary case is made out in

favour of this applicant. Hence, no case is made out for grant of anticipatory bail. Hence for this reason, this Court is not inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

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

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram