

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 1249 of 2018**

Amit Singh Thakur, S/o. Shri Kunwar Singh Thakur, Aged About 42 Years,  
R/o. Parijat Extension Nehru Nagar, Bilaspur, Tahsil and District Bilaspur  
Chhattisgarh.

**----Applicant****Versus**

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

**---- Respondent**


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| For Applicant        | : Mr. Rajeev Shrivastava, Advocate |
| For Respondent/State | : Mr. Avinash K. Mishra, P.L.      |
| For Objector         | : Mr. Sourabh Sharma, Advocate     |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****11/10/2018**

1. Apprehending arrest in connection with Crime No.33317013180744/2018, registered at Police Station – Civil Line, 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. One Arun Singh Thakur is the person behind this false complaint for the reasons that at the instance of Arun Singh Thakur, this applicant had entered into an agreement for purchase of land from Vaibhav Jain,

though it was discovered to be fraudulent and the applicant was cheated of amount paid by him in advance. As the applicant is creating pressure to return his advance money, Arun Singh has made use of the complainant – Kripal Singh, who is closely associated with Arun Singh to make this false complaint. Therefore, 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. Counsel for the objector after adopting the argument advanced by the learned counsel for the State, submits that it is a clear case of cheating by this applicant according to material present in the case diary. Hence, no case is made out for grant of bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Complainant – Kripal Singh has lodged FIR alleging that he is related to this applicant as the son of the complainant was looking for employment in government job and on inducement given by this applicant, the complainant paid him Rs.10.00 lakhs for the reasons that the applicant had promised to get the son of the complainant appointed in the government job in the year 2017. Subsequently, son of the applicant is not appointed and the applicant has not refund the amount taken by him. Hence, this case.
7. Considered the submissions made and the contents of the case diary. Considered on the entire material present in the case diary, no connection is established of complainant – Kripal Singh with so called Arun Singh Thakur and Vaibhav Jain and the submission that has been made by the counsel for the applicant may be his ground

in defence, which is required to be proved in the case against him, if he is prosecuted. Hence, after due consideration and looking to the presence of prima-facie evidence 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