

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 75 of 2019**

Shyamnarayan Gupta, S/o. Shri Sheetal Prasad Gupta, Aged About 48 Years, Cast Sodhi, R/o. Village Purani Toli Pathhalgaon, District- Jashpur, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station- Pathhalgaon, District- Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Manoj Paranjpe, Advocate with Mr. Sanjay Agrawal, Advocate
For Respondent/State	: Mr. Avinash K. Mishra, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****11/03/2019**

1. Apprehending arrest in connection with Crime No.262/2018, registered at Police Station – Pathalgaon, District – Jashpur (C.G.) for offence punishable under Section 420, 467, 468, 120-B 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 on the basis of the material present in the case diary. The applicant is a contractor. The complainant Ramanuj Sai, who transferred the amount of Rs.8.00 lakhs by cheque on 27.09.2017 was for construction of his house. As the house could not be constructed, the applicant has returned the same by RTGS and cash to the complainant. The case is of civil nature. Therefore, it is prayed that this applicant may also 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 it is clear case of fraud and cheating in which the applicant has opened forged account with the help of the bank officers in which the compensation of land acquisition for the beneficiaries were deposited and the same amounts were withdrawn and misappropriated by the applicant, therefore, no case is made out or grant of anticipatory bail.
4. In reply, it is submitted by the counsel for the applicant that witnesses have given statement in the investigation that the applicant has made refund of the amount to them, therefore, the applicant is 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. According to the FIR lodged by the complainant Ramanuj Sai and others, in total compensation of Rs.49,44,240/- was disbursed to the persons affected. It is alleged that this applicant by inducing the complainants that he will help them in getting the compensation, has withdrawn and manipulated Rs.25.00 lakhs from the compensation amount, which was meant for the complainants. Complaint was enquired into by the SDO, Pathalgaon and on that basis FIR has been lodged in this case.
7. According to the statement given by the witnesses this applicant with the help of impersonators opened fake accounts of the beneficiaries, in which the compensation amounts were deposited and then withdrawn by him to be misappropriated by him.

8. After considering on the material present in the case diary, 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