

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 343 of 2020**

- Madan Sonani S/o Late Chinta Ram Sonani Aged About 45 Years R/o D.N.K. Colony Kondagaon District Kondagaon Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh through The Police Station Kondagaon District Kondagaon Chhattisgarh.,

---- Respondent

For Applicant	:	Mr. Pravin Kumar Tulsyan, Advocate.
For Respondent/State	:	Mr. Sudeep Verm, Govt. Advocate.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****26-06-2020**

Heard.

1. The applicant has preferred this bail application under Section 438 of Code of Criminal Procedure 1973 for grant of bail apprehending his arrest in connection with Crime No. 232 of 2019 registered at Police Station Kondagaon, District Kondagaon (C.G.) for alleged commission of offence under Section 420 of IPC.
2. Case of the prosecution is that the applicant and co-accused cheated the villagers that they would be arranged subsidy from the Government under various schemes and on such false representation, lakhs of rupees were collected from the villagers and thus villagers were cheated as the assurers including the present

applicant had nothing to do with the subsidy scheme of the Government.

3. According to learned counsel for the applicant, in the written report, name of one of the co-accused is Madan Soni whereas the name of the present applicant is Madan Sonani. Learned counsel for the applicant disputes the very identity of one of the co-accused said to be associated with main accused Gouri Shankar Das. The allegations against Gouri Shankar Das are that the money was collected by him and some amount was got transferred in the account of his own wife.

4. On the other hand, learned counsel for the State opposes the prayer for grant of anticipatory bail and submits that the dispute with regard to identity raised by the applicant can be resolved only when the applicant is taken into the custody of the Investigating Officer. He would further submit that if the applicant presents himself before Police Officer investigating the case, his formal arrest would be done only upon verifying the identity of the applicant as one of the members of the group led by Gouri Shankar Das who cheated the villagers and extracted money.

5. I have heard learned counsel for the parties.

6. Learned counsel for the applicant has raised dispute with regard to identity. Whether or not it is the applicant, who was one of the associates of co-accused Gouri Shankar Das and others involved in the act of cheating, can be best enquired by the Investigating Officer and on that ground this court is not inclined to

grant anticipatory bail.

7. Accordingly, the application is rejected. However, it is observed that if the applicant is taken into custody, the Police Officer shall formally arrest the applicant only after due satisfaction that the applicant is one involved along with Gouri Shankar Das, irrespective of surname mentioned in the complaint.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Raju