

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 385 of 2021**

- Emroz Khan Son Of Aftabuddin Khan Aged About 21 Years Resident Of B-13 Indrapuri Colony, Samanpura, Raja Bazar, V.B. College, Distt. Patna (Bihar)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Antagarh, Kanker (Chhattisgarh)

---- Respondent

For Applicant : Shri Anjinesh Shukla, Advocate

For Respondent/ State : Shri Pawan Kesharwani, P.L.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/07/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. 68/2020 registered at Police Station Antagarh Kanker, C.G. for the offence punishable under Section 420 of I.P.C.
2. As per the prosecution case, a complaint was made by one Deepak Ramteke that he received a phone call asking whether he want to be the agent of JK tyres in Antagarh region, subsequently on the basis of the phone call he ordered 250 tyres and deposited Rs. 5,61,000/-, eventually it was found that he was defrauded.
3. Learned counsel for the applicant would submit that the nature of the

allegation is business transaction which has been given the colour of criminal case, therefore the applicant may be given the benefit of anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Considering the nature of allegation and the way offence has been created, I am not inclined to extend the benefit of Section 438 of the Cr.P.C.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-

Goutam Bhaduri
Judge

Jyoti