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Abhijit Vaishnav Vs State Of Chhattisgarh And Ors

MCRCA No. 295 Of 2018

Court: Chhattisgarh High Court

Date of Decision: Aug. 3, 2018

Acts Referred:
Indian Penal Code, 1860 â€" Section 34, 120B, 224, 225, 307, 324, 327, 343, 353, 364, 368, 395, 397, 420#Code Of Criminal Procedure, 1973 â€" Section 438

Hon'ble Judges: Goutam Bhaduri, J

Bench: Single Bench

Advocate: Rajeev Kumar Dubey, Astha Shukla

Final Decision: Dismissed

Judgement

Goutam Bhaduri, J

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.297/2015 registered at Police Station Sirgitti, District Bilaspur (C.G.) for the offence punishable under Sections 420, 368, 34 IPC.

2. As per the prosecution case, a report was made by one Sourabh Sahu that the present applicant projected himself to be the Director of NGO and

stated that he can procure and sanction the project of NGO from the government and assured to procure the project report on that assurance an

amount of Rs.35 Lakhs on different intervals of dates were received and ran away and thereby deceived the complainant.

3. Learned counsel for the applicant submits that the entire allegations revolves round to the business transaction as certain project were prepared and

the facts would show that the FIR was made on 06.10.2015 and the subsequent cheque which was seized was of 15.10.2015, 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 and submits that the applicant was absconding and against him

two cases were registered one is in the year 2009 under Sections 224, 225, 120B, 353, 324 & 307 /34 IPC and another under Section 364, 343, 395,

397 & 327 IPC was registered.

5. Perused the statement of the complainant and the case-diary. The applicant appears to be absconding. Case-diary also suggests that two cases are

in the credit of the applicant under the heinous offence. Considering the same, I do not find it to be a fit case where the benefit of anticipatory bail can

be granted. Accordingly, the anticipatory bail application is dismissed.