

(2002) 05 CHH CK 0012

In the Chhattisgarh High Court

Case No : Misc. Criminal Case No. 1264 of 2002

Dinkar Rao Waretwar

APPELLANT

Vs

State of Chhattisgarh

RESPONDENT

Date of Decision : 22-05-2002

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438

Citation : (2002) 3 CGLJ 384 : (2002) 4 MPHT 71 : (2002) 2 MPJR 86

Hon'ble Judges : Fakhruddin, V.J.

Bench : Division Bench

Advocate : D.N. Prajapati, for the Appellant; Deep Kesharwani, Government Advocate, for the Respondent

Final Decision : Dismissed

Judgement

Fakhruddin, Vacation J.

Heard.

This application has been filed u/s 438 of Cr.PC for grant of anticipatory bail.

It is alleged in the prosecution that the applicant obtained Rs. 90,000/- from the complainant on the pretext that the applicant would provide a Government job to the complainant.

Now-a-days such offences like providing a job by assuring false promises are quite increasing day by day. The main reason is unemployment which is an advantage being taken and due to this, the poor persons are deprived of.

The applicant is alleged of obtaining Rs. 90,000/- on the pretext of providing employment affecting the confidence of poor unemployed as well as society. Such offences and cheating the public are becoming a source of livelihood. The allegations levelled against the applicant are that applicant has applied cheap design to cheat the poor unemployed persons who fell prey to such design for getting the job and get cheated by the persons like applicant.

Having thus considered and heard learned Counsel for the parties, in the opinion of this Court, in the larger interest of the people of the Society and the seriousness of the offence as alleged, notoriety and the manner in which the offence has been committed by the petitioner, he is not entitled for grant of bail.

It is stated by the learned Counsel for the applicant that both applicant and the complainant have compromised in this matter and the amount has been refunded. The offence is non- compoundable and in the opinion of this Court, merely on the basis of some compromise even if arrived at, would not entitle applicant to get anticipatory bail as the applicant is alleged to have cheated the complainant for committing such offences like providing job by giving false pretexts and by way of such scandalous methods collected money from him. The learned Counsel for the State contended that the possibility of cheating some other person for much more amount and get rid of the other one does not entitle him for anticipatory bail. This Court finds force in submission made by State Counsel.

Having considered the facts and circumstances of the case, material available on record and in view of foregoing submissions, so far as the grant of anticipatory bail is concerned, no case for grant of anticipatory bail has been made out, as prayed.

Accordingly, this application fails and is dismissed.