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2026:CGHC:24473

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HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 872 of 2026

Vikas Gupta S/o Dinesh Gupta Aged About 38 Years R/o Ward No.4,
Village Kakrala Police Station Aalapur District- Badayun (Uttar Pradesh)

... Applicant(s)

versus

State Of Chhattisgarh Through- Station House Officer, Police Station
Pandatarai District- Kabirdham (C.G.)

... Non-applicant(s)

For Applicant : Mr. Chandrikaditya Pandey, Advocate.

For Non-applicant/State : Mr. S. S. Baghel, Govt. Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Order on Board

17.06.2026

1. This first anticipatory bail application under Section 482 of the Bhartiya Nagarik Suraksha Sanhita, 2023 has been filed by the applicant, who is apprehending his arrest in connection with Crime No. 63/2024 registered at Police Station- Pandatarai, District - Kabirdham, (C.G.) for the offence punishable under Sections 420, 406, 409, 120-B of IPC.
2. The case of the prosecution, in brief, is that the complainant, Rupesh Chandravanshi, submitted a written report on 04.03.2024 at Police Station Pandatarai alleging, inter alia, that he owns a jaggery manufacturing factory situated in Village Ruse. It was alleged that in the year 2023, co-accused Gyan Prakash Gupta

entered into an agreement with the complainant on a stamp paper of Rs.100/- for a consideration of Rs.4,90,000/- to operate the said factory for the period from 01.11.2023 to 30.04.2024, in the presence of witnesses. It is further alleged that co-accused Gyan Prakash Gupta purchased sugarcane from various farmers at rates Rs.5/- to Rs.10/- higher than the prevailing market rate, but failed to make payment to the farmers for the sugarcane so purchased. On 03.03.2024, the accused persons, under the guise of operating the jaggery manufacturing unit and pursuant to a criminal conspiracy, allegedly misappropriated an amount of Rs.12,76,282/- by producing and selling jaggery/molasses from the sugarcane and thereafter absconded with the sale proceeds. It is also alleged that the present applicant, along with his brother Gyan Prakash Gupta, in furtherance of their criminal conspiracy, dishonestly defrauded the complainant and others of an amount of Rs.19,81,196/- under the pretext of running the jaggery industry and subsequently fled with the proceeds generated from the sale of the manufactured product. On the basis of the written complaint lodged by the complainant, Rupesh Chandravanshi, Police Station Pandatarai registered Crime No.63/2024 for offences punishable under Sections 420, 406, 409 and 120-B of the Indian Penal Code, and commenced investigation. During the course of investigation, the police recorded the memorandum statements of the accused persons, seized relevant articles, arrested the co-accused, and recorded the statements of witnesses. Upon completion of the investigation, a charge-sheet was filed against co-accused Gyan

Prakash Gupta. However, as the present applicant could not be apprehended, he was shown as absconding. Subsequently, vide order dated 05.06.2025, the learned trial Court declared the present applicant a proclaimed offender. Thereafter, a charge-sheet against both the accused persons was filed. The co-accused Gyan Prakash Gupta faced trial before the learned Judicial Magistrate First Class, Pandariya, District Kabirdham (C.G.) in Criminal Case No.758/2025 and, vide judgment dated 22.09.2025, was convicted and sentenced accordingly. Against the said judgment and order of conviction dated 22.09.2025, a criminal appeal is presently pending before the learned Sessions Judge, Kawardha, District Kabirdham (C.G.).

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is contended that the entire dispute arises out of a business arrangement entered into between the complainant and co-accused Gyan Prakash Gupta in relation to the operation of a jaggery manufacturing unit and no specific role has been attributed to the present applicant either in the execution of the agreement, purchase of sugarcane, sale of jaggery/molasses or any financial transaction connected with the alleged misappropriation. It is further submitted that the allegations contained in the FIR, even if accepted in their entirety, primarily pertain to the acts allegedly committed by co-accused Gyan Prakash Gupta and there is no material on record demonstrating the applicant's involvement in the alleged offence or criminal conspiracy. Learned counsel further submits that the

applicant could not appear before the trial Court and surrender during the course of proceedings as he was suffering from serious health complications, including a brain stroke/neurological ailment, for which he remained under medical treatment for a considerable period. It is also submitted that the applicant has no criminal antecedents and his custodial interrogation is not required for the purpose of investigation. Attention of this Court has further been drawn to the fact that co-accused Gyan Prakash Gupta, who is the main accused against whom the allegations are mainly directed, has already been granted regular bail by this Court in MCRC No.3952/2025 vide order dated 20.05.2025. On these grounds, it is prayed that the applicant be extended the benefit of anticipatory bail. It is also submitted that the applicant has no previous criminal antecedents. Hence, it is prayed that the applicant be granted anticipatory bail.

4. On the other hand, learned State counsel vehemently opposes the prayer for grant of anticipatory bail and submits that the present applicant is specifically named in the FIR and is alleged to have acted in concert with co-accused Gyan Prakash Gupta in committing the offence. It is submitted that the allegations pertain to misappropriation of a substantial amount collected through the operation of the jaggery manufacturing unit and the material collected during investigation reveals the involvement of the applicant in the alleged conspiracy. Learned State counsel further submits that the FIR was registered on 04.03.2024 and during the course of investigation the present applicant deliberately evaded

arrest and remained absconding for a prolonged period. Despite initiation of legal proceedings, he neither cooperated with the investigating agency nor surrendered before the competent Court, as a consequence of which he was declared a proclaimed offender by the learned trial Court vide order dated 05.06.2025. It is further submitted that after completion of investigation, charge-sheet was filed and the co-accused Gyan Prakash Gupta has already faced trial in Criminal Case No.758/2025 and stands convicted by the learned Judicial Magistrate First Class, Pandariya, vide judgment dated 22.09.2025. It is argued that the conduct of the applicant in continuously remaining absconding for more than two years disentitles him from claiming the discretionary relief of anticipatory bail. The explanation sought to be furnished regarding his non-appearance is a matter of evidence and cannot erase the fact that he successfully avoided the process of law for a considerable period. Considering the nature and gravity of allegations, the amount involved, the material collected during investigation, the applicant's abscondence and the fact that he has been declared a proclaimed offender, he submits that no case for grant of anticipatory bail is made out and the application deserves to be rejected.

5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case, nature and gravity of the allegations, the material collected during investigation and the submissions advanced by learned counsel for

the parties, this Court finds that the FIR in the present case was registered on 04.03.2024 alleging misappropriation of a substantial amount and commission of offences punishable under Sections 420, 406, 409 and 120-B of the IPC. During the course of investigation, the present applicant could not be apprehended and continuously remained absconding. The record further reflects that despite initiation of criminal proceedings, the applicant neither cooperated with the investigating agency nor surrendered before the competent Court. Consequently, the learned trial Court, vide order dated 05.06.2025, declared the applicant a proclaimed offender. The conduct of the applicant in avoiding the process of law and remaining absconding for more than two years cannot be lightly brushed aside while considering a prayer for grant of anticipatory bail, which is an extraordinary discretionary relief.

7. So far as the submission of learned counsel for the applicant that he could not appear before the Court due to serious health complications, including a brain stroke/neurological ailment, is concerned, on a pointed query being made by this Court as to where such averment has been pleaded in the anticipatory bail application, learned counsel initially submitted that the same has not been mentioned therein. However, upon perusal of the application, it is apparent that a reference to the applicant's illness has been made in paragraph No.6.12 of the anticipatory bail application. Nevertheless, except for the said bald averment, no medical record, treatment papers, discharge summary or any other documentary evidence has been filed along with the application to

substantiate the alleged medical condition or to satisfactorily explain the applicant's prolonged abscondence. This Court is also mindful of the fact that co-accused Gyan Prakash Gupta, who is the brother of the present applicant, was granted regular bail by this Court in MCRC No.3952/2025 vide order dated 20.05.2025. However, the case of the present applicant stands on a different footing. While the co-accused had subjected himself to the jurisdiction of the Court and was granted regular bail, the present applicant continued to evade arrest and remained absconding throughout the investigation as well as during the trial. The record further reveals that after completion of investigation, charge-sheet was filed and the co-accused Gyan Prakash Gupta has already faced trial in Criminal Case No.758/2025 and stands convicted vide judgment dated 22.09.2025. Therefore, merely because the co-accused was granted regular bail, the same by itself does not entitle the present applicant, who remained absconding and was declared a proclaimed offender, to claim parity.

8. In view of the aforesaid facts and circumstances, particularly the nature of allegations, the applicant's unexplained abscondence for a considerable period, his declaration as a proclaimed offender, the absence of any cogent material in support of the medical ground sought to be urged and the overall conduct of the applicant, this Court is not inclined to extend the extraordinary discretionary relief of anticipatory bail in favour of the applicant.
9. Accordingly the anticipatory bail application of the applicant namely **Vikas Gupta**, involved in Crime No. 63/2024 registered at Police

Station- Pandatarai, District - Kabirdham, (C.G.) for the offence punishable under Sections 420, 406, 409, 120-B of IPC, is **rejected.**

Sd/-
(Ramesh Sinha)
Chief Justice

Kunal