

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 1170 of 2015

1. Mahesh Sachdev, S/o. Shri Dwarika Das Sachdev, aged about 52 years,
 2. Rahul Sachdev, aged about 26 years, S/o. Shri Mahesh Sachdev
 3. Rohit Sachdev, aged about 24 years, S/o. Shri Mahesh Sachdev,
- All R/o. C-204, 1st Floor, Jai Laxmi Complex, Fafadih, Raipur, District Raipur (C.G.), Civil and Revenue District – Raipur (C.G.)

----Applicant

Versus

1. The State of Chhattisgarh, through : the S.H.O., Police Station – Pandri, District – Raipur (C.G.)

---- Respondent

For Applicant	: Mr. B.P. Sharma, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

11/12/2015

1. Apprehending arrest in connection with Crime No.199/2014, registered at Police Station- Pandri, District – Raipur (C.G.), for offence punishable under Section 386 of Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. As per the prosecution case, it is alleged that a report was made alleging that on 23.12.2013, the applicants entered into some business relation with one Pawan Agrawal & others for transaction of business of Rs.10.00 crores, and out of that the applicants were paid about Rs.8.50 crores and Rs.1.50 crores was remaining. Subsequently, the applicants, Mahesh Sachdev, Rahul Sachdev and Rohit Sachdev for

recovery of Rs.1.50 crores awarded the contract to one Karun Ben @ Munna, Sabbir Ahmad and Deepak Jatav and in order to recover the amount and the complainant were taken Daldal Shivni and were pressurized. Out of the contract for such extortion an amount of Rs.8.00 lakhs was given to one Munna, and Rs.24,000/- to one Kabir Ahmad, the Advocate. Further in pursuant to such mode of recovery, counsel, Kabir Ahmad abused and extended treat to the complainants. So undue illegal act was committed by the applicants alongwith other co-accused, therefore, the report was made.

3. Learned counsel for the applicant would submit that, he has been falsely implicated in the case. He would further submit that Criminal Case No.15444/2014 was against Karun Ben @ Munna and Deepak Jatav, wherein by order dated 11.08.2015, the Judicial Magistrate First Class, Raipur has acquitted the other co-accused, whereas against these applicants, they have been declared absconding. He would further submit that to quash the FIR, Cr.M.P. No.733/2014 has been filed by the applicants alongwith the complainant, wherein notices have been issued, therefore, the appearance was not made before the Court. He further submits that the matter has already been settled between the parties and therefore, according to the law laid down in case of Gian Singh Vs. State of Punjab and another, reported in (2012) 10 SCC 303, the applicants may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel vehemently opposes the prayer for grant of bail and would submit that on report made by the complainant and after enquiry crime was registered and all these three applicants were absconding, therefore, proceeding under Section 299

of Cr.P.C. was drawn and they have been declared as proclaimed offender, therefore, the applicants are not entitled for grant of anticipatory bail.

5. I have perused the case diary and the documents. I have also perused the order dated 11.08.2015, wherein the acquittal is mainly on the ground that the complainant was not examined by the State. I have also perused the statement of the Prateek Kejriwal. In the FIR all the applicants have been named. Taking into the facts of this case as the applicants indulged to evoke the system for recovery of money by extra judicial constitutional authority and the applicants have branded as a rank absconder and despite the fact that FIR was made on 04.07.2014, the applicants have still not been apprehended. Considering the facts and circumstances of the case and the law laid down in case of ***State of Madhya Pradesh Vs. Pradeep Sharma*** reported in ***(2014) 2 SCC 171***, wherein their Lordship have held that declared absconder/proclaimed offender under Section 82 of Cr.P.C. is not entitled to relief of anticipatory bail. Therefore, I am not inclined to grant anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge