

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1082 of 2015

1. Vinod Agrawal @ Maggu, son of Shri Jogiram, aged about 38 years
2. Praveen Agrawal, son of Shri Jogiram, aged about 35 years

Both residents of Rajpur, Main Road Mahuapara, Police Station
Rajpur, District Balrampur, Chhattisgarh --- **Applicants**

Versus

State of Chhattisgarh, through Police Station Rajpur, District
Balrampur, Chhattisgarh --- **Respondent**

For the applicants : Mr. Rakesh Pandey, Advocate

For the Respondent : Mr. Arvind Shukla, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.11.2015

1. Apprehending arrest in connection with Crime No. 133/2015 registered at Police Station Rajpur, District Balrampur (C.G) for the offences punishable under Sections 342, 294, 506-B, 323, 147 of IPC, the applicant has filed this application under Section 438 Cr.P.C., for grant of anticipatory bail.
2. As per the prosecution case, the complainant Ashwini @ Ajay Kumar was working as Clerk (Munim) under applicants Vinod Agrawal @ Maggu and Praveen Agrawal and the complainant left the job prior to the incident. It is alleged that on 22.08.2015 at about 11.00 a.m., the complainant had gone to Central Bank, Rajpur to withdraw the amount from his brother's account where the shop of applicants is situated. While he was returning from the Bank, the applicants called him to settle his account and after settling the account of Rs.35,000/-, the applicants gave him a cheque of Rs.30,000/- to encash it from the State Bank and after encashing the said cheque, he came to the applicants. At that time, the applicants and three other co-accused forcibly lifted away the complainant in the godown situated at the back of the applicants' shop and after closing the doors of godown, the applicants abused, threatened to kill him and assaulted him, due to which, complainant sustained injuries on head and other parts of

the body. The complainant raised alarms and on hearing shrieks, the complainant's brother Rajesh Agrawal who was searching for his brother reached there and knocked the doors of godown. He called other persons for help and on hearing the noise of people gathered there, the accused persons opened the doors and came out from godown where the complainant was found in injured condition.

3. Learned counsel for the applicants submits that it is not a case where actually the incident took place but the complainant Ajay Agrawal who was working under the applicants had stolen away the money of Rs.30,000/- and on being interrogated, the same was recovered and in unnatural circumstances, there has been altercation which led to filing of the report. He further submits that the amount of Rs.30,000/- was recovered from the complainant which shows that the complainant had stolen the said amount, therefore, the applicants are entitled to be extended benefit of anticipatory bail.
4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. I have gone through the case diary and the statement of complainant Ashwin Agrawal wherein the allegation of assault has also been made. The case diary also contains the MLC report.
6. Taking into statement of complainant, injury report and looking to the nature of offence, I am not inclined to grant anticipatory bail to the applicants as perusal of case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required.
7. Accordingly, the anticipatory bail application is dismissed.

Sd/-

**GOUTAM BHADURI
JUDGE**