

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1059 of 2016**

- Prakash Agrawal @ Chhotu S/o Salikram Agrawal Aged About 23 Years R/o Sakti, District Janjgir-Champa Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Incharge, Out Post Bhatgaon, Police Station Bilaigarh, District Balodabazar-Bhatapara Chhattisgarh

---- Respondent

For Applicant	:	Mr. Basant Dewangan, Advocate
For Respondent/State	:	Mr. Anant Bajpai, Panel Lawyer.
For complainant	:	Mr. Ravi Bhagat, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****16-12-2016**

1. This application under Section 438 of Cr.P.C has been filed by the applicant apprehending his arrest in connection with Crime No. 15 of 2016 registered at Police Station Out Post Batgaon, Police Station Bilaigarh, District Balodabazar Bhatapara (CG) for offence punishable under Section 379/34 of the IPC.
2. As per case of the prosecution, a report was made by the complainant Karim Khan that on 19-1-2016 his vehicle Bolero Pick Up bearing registration No. CG-04-JC-3466 was stolen which was subsequently found parked in the premises of one Ankit Agrawal. On enquiry, it was revealed that present applicant along with other co-accused has committed such crime and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicant would submit that only on the statement of Ankit Agrawal, the applicant and no evidence is available against the present applicant. The same is also supported by the counsel for the complainant Karim Khan as no objection has been filed by him. therefore, the applicant may be extended the benefit of anticipatory bail.
4. Learned State counsel opposes the prayer for grant of anticipatory bail and would submit that in another crime No. 5 of 2016 when one Bhojraj Yadav was apprehended for theft of vehicle CG-12-Z-7749, it was revealed that earlier also the vehicle was given by the present applicant and in order to absolve him from the case, similar offence was committed.
5. I have heard learned counsel for the parties, perused the case diary and other documents. The applicant appears to be absconded.
6. Considering the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that the applicant is absconding, I am of the considered opinion, *prima facie*, that it is not a fit case where the benefit of anticipatory bail can be extended to the applicant.
7. Accordingly, the anticipatory bail application is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju