

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 249 of 2018

1. Rajeev Bajpai S/o Late Ravi Shankar Bajpai Aged About 58 Years R/o- Mainroad Sadar Ward Jagdalpur District : Bastar(Jagdalpur), Chhattisgarh
 2. Katyayan Bajpai S/o Rajeev Bajpai Aged About 28 Years R/o- Mainroad Sadar Ward Jagdalpur District : Bastar(Jagdalpur), Chhattisgarh
- Petitioners**

Versus

1. State of Chhattisgarh through- The Police Station Kotwali Jagdalpur, District : Bastar (Jagdalpur), Chhattisgarh
 2. Neeraj Pawar S/o Prakash Pawar Aged About 33 Years R/o In front of Bastar Goods, Naya Para, Jagdalpur, District Bastar Chhattisgarh,
- Respondents**

For the applicant	:	Mr. S.C. Verma, Advocate.
For the State	:	Mr. Sangharsh Pandey, Dy. Govt. Adv.
For the objector	:	Mr. Avinash Mishra, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

20.06.2018

1. Apprehending arrest in connection with Crime No. 125 of 2016 registered at Police Station Kotwali Jagdalpur Distt. Bastar (C.G) for the offences punishable u/ss 420, 467, 468, 471 of IPC and u/s 67 of the Information and Technology Act, 2000, the applicants have filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, a report was made by one Neeraj Pawar that the present applicants along-with other accused allured to provide him a gas agency and thereafter on different dates and time, a total amount of Rs.22,75,000/- was paid and some of the amount was

also paid to the present applicants. However, no gas agency was provided to the complainant and it was discovered that on the basis of allurements and fabricated documents, the amount has been siphoned off.

3. Learned counsel for the applicants would submit that the applicants themselves have been cheated. It is stated that the entire allegations are attributed to Amay Yadav and there is no evidence on record to show that the amount was paid to the present applicants. It is further stated that Amay Yadav has entered into compromise with the complainant and the case against him has been quashed and the applicants are also ready and willing to pay Rs.2,50,000/- to the complainant, therefore, he may be enlarged on anticipatory bail.
4. Per contra, learned State Counsel as also counsel for the objector opposes the argument.
5. Perused the statement of complainant Neeraj Pawar and the detailed statements of the present applicants wherein It has also been stated that some amount was paid to the present applicants. The incident was of the year 2016 still it appears that the applicants are at large. It is felt that the appellants cannot be allowed to control the entire judicial system and the prosecution. The case diary would show that certain complaint was lodged by the present applicant Rajeev Bajpai which was registered as Crime No.402/2016 but the fact remains that the present applicants are still absconding in connection with present Crime No. 125/2016. Though

the applicants are free to lodge report to the police as per the documents filed along-with the petition, however, the arrest was avoided for the reasons best known to them.

6. Considering the facts and circumstances of the case and the nature of allegations levelled against the applicants I am not inclined to admit the applicants to anticipatory bail. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**

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