

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case (A) No.355 of 2018

Shrikant Upadhyay, S/o Shri Ramsiya Upadhyay, Aged about 28 years, R/o Village Suaraha, Post Raghunathganj, PS Laur, Tahsil Mauganj (PS & Tahsil Wrongly not been mention in the impugned order), Distt. Rewa (M.P.)

---- Applicant

Versus

State of Chhattisgarh, Through SHO, Supela, Durg, Distt. Durg (C.G.)

---- Non-applicant

For Applicant: Mr. Dheerendra Pandey, Advocate.

For Non-applicant: Mr. Gary Mukhopadhyay, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

30/07/2018

1. Apprehending arrest in connection with Crime No.73/2012, registered at Police Station Supela, Durg, Distt. Durg, for the offence punishable under Section 420 read with Section 34 of the IPC, the applicant has filed this application under Section 438 of the CrPC for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that main accused Baikunth Prasad Upadhyay got deposited ₹ 26,33,000/- from 2009-2011 and thereafter, absconded which also includes the deposit of ₹ 22,000/- in the account of the present applicant.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He would further submit that ₹ 1,95,000/- has already been returned to the complainant's sister and the applicant has not even authorised the complainant to deposit any amount in the account of the applicant, it is Baikunth Prasad Upadhyay who got deposited the aforesaid amount in

the account of the applicant.

4. On the other hand, learned State counsel opposes the application and submits that money has been transferred in the account of the applicant and the applicant has misappropriated the said amount.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case and role of the applicant, I am of the opinion that it is a fit case in which the applicant should be granted anticipatory bail. Accordingly, the application is allowed.
7. It is, therefore, directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned investigating / arresting officer. The applicant shall also abide by the following conditions: -
 1. He shall make himself available for interrogation before the concerned arresting / investigating officer as and when required.
 2. He shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer.
 3. He shall not act, in any manner, which will be prejudicial to fair and expeditious trial.
 4. He shall also appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Sanjay K. Agrawal)
Judge