

HIGH COURT OF CHHATTISGARH AT BILASPURCr.M.P. No. 803 of 2018

Deepesh Kumar Shukla S/o Shri K.K.Shukla, aged about 33 years, R/o Raghunathpuram Colony, Near Uslapur Railway Station, District Bilaspur (C.G.).

---Petitioner

Versus

1. State of Chhattisgarh, Through SHO, P.S. Chakarbhata, District Bilaspur (C.G.).
2. Smt. Shilpa Kaushik W/o Late Harish Kaushik, aged about 26 years, R/o Raipur Road, Parsada, P.S.Chakarbhatha, District Bilaspur (C.G.).

---Respondents

For petitioner	:	Shri Yatharth Singh, Advocate.
For State	:	Shri Shashank Thakur, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/04/2018

1. Present Cr.M.P. has been filed under Section 439(2) of Cr.P.C. seeking for recalling of the Anticipatory Bail granted to the respondent No.2 by this Court on 21/03/2018 in MCRCA No. 03/2018.
2. The ground raised by the counsel for the petitioner for recalling of the said order is that, even after the death of the husband of the respondent No.2, there are many transactions reflected from the bank account of the respondent No.2 which would show that a huge amount of money has been deposited in her account which were infact paid to the complainant.
3. Perusal of the order of which recall has been sought for would reveal that this Court while granting the Anticipatory Bail had taken all these facts

into consideration and had primarily taken note of the fact that the applicant was a young lady with two minor childrens and that there was no further requirement of custodial interrogation. The respondent No.2 as such has also undertaken to co-operate with the investigating agency.

4. Moreover, the alleged transactions being old transactions of the year 2012-13. That further the transactions which had taken place was with the husband of the respondent No.2 who has since expired on 17/12/2015.

5. For all the aforesaid reasons, this Court had granted the benefit of Anticipatory Bail to the respondent No.2.

6. Thus, this Court does not find any strong case made out by the counsel for the petitioner calling for recall of the said order. All the contentions which have been raised by the counsel for the petitioner in the present petition for recall are matters which can be produced before the trial court and can contest the case on merits.

7. With the aforesaid observations, the present Cr.M.P. stands rejected.

Sd/-

(P. Sam Koshy)
JUDGE