

HIGH COURT OF CHHATTISGARH AT BILASPUR**M.Cr.C.(A) No. 873 /2018**

Kamlesh Kumar Rathi, S/o. Late Shri G. D. Rathi, Aged About 55 Years,
R/o. Shrinagar Khamtarai, Currently Residence in Post Bhatgaon, Soram,
P.S. Rudri, District Dhamtari, Raipur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through The Police Station Khamtarai, Raipur,
Chhattisgarh.

---- Respondent

For Applicant : Mr. Chandrashekhar Kaushik, Advocate
For Respondent : Mr. Ashish Shukla, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****13.08.2018**

1. Apprehending arrest in connection with Crime No.515/2017 registered at Police Station- Khamtarai, Raipur (C.G.) for the offence punishable under Section 420 of I.P.C., the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, one Kishan Lal Chaurasia who was terminated from his service by the Central Warehousing Corporation made a complaint that the applicant and other persons of the Central Warehousing Corporation have deployed the security agency and though the ex-servicemen were not appointed and ordinary civilians were appointed as security guards but the payments were made taking the amount of ex-army men and the service tax was also embezzled.
3. Learned counsel for the applicant would submit that the other similarly placed accused has already been granted bail by this Court on 19.01.2018 in MCRCA No.1023 of 2017 and the case of

the present applicant is also similar to that case, therefore, he may also be released on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail; however, he do not dispute the fact that other similarly placed accused has been enlarged on bail.
5. Perused the documents and the order dated 19.01.2018 passed in MCRCA No.1023 of 2017. Considering the facts & circumstances of the case and further taking into fact that the other similarly placed accused has already been granted anticipatory bail, I am inclined to grant the benefit of anticipatory bail to the present applicant.
6. Accordingly, the anticipatory bail application is allowed and it is 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 furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.