

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. (A) No. 760 of 2019**

Chandrashekhar Banka, S/o Shri Radheshyam Banka, Aged 48 years, R/o. Sector C, P.S. Devendra Nagar, Tehsil & District – Raipur (C.G.)

----Applicant**Versus**

1. State of Chhattisgarh, Through S.H.O. P.S. Devendra Nagar, Raipur, District – Raipur (C.G.)

2. Sanjay Kumar Pal, S/o Bhutnath Pal, Age 40 years, R/o Lodhipara Mowa, P.S. Mowa, Raipur, Tehsil & District – Raipur (C.G.) **(Now Dead)**

---Non-applicants

For Applicant : Mr. Abhishek Sinha, Advocate.
For Respondent No.1/State : Mr. I. Lakra, Dy. Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

20/05/2019

(1) Apprehending arrest in connection with Complaint Case No. 442 / 2011, pending before the Judicial Magistrate, First Class, Raipur, District Raipur (C.G.) for offence punishable under Sections 294, 323, 423, 363, 367, 342, 506B, 450, 452 & 34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.

(2) Case of the prosecution, in brief, is that applicant and another co-accused namely Radheshyam Banka house trespassed in the house of complainant and abused him, threatened him and abducted the complainant and thereby committed the aforesaid offences by keeping him in the confinement and thereafter got the agreement to sell executed in their favour and thereby committed the

aforesaid offences.

(3) Learned counsel appearing for the applicant would submit that applicant has been falsely implicated in the crime in question, in fact, the complainant was working as Accountant in the firm owned by M/s. M.R. Saree Centre, Pandri, Raipur and he manipulated the account and has embezzled Rs. 20 lakhs, for which one FIR was lodged against the complainant on 22.09.2008 and on the basis of which, he was prosecuted and in order to rigour out the criminal prosecution, the complainant as a counter blast filed this private complaint against the applicant and another co-accused making various allegations, which are baseless. He further submits that similarly situated co-accused namely Radheshyam Banka has already been granted anticipatory bail by this Court in M.Cr.C. (A) No.159 of 2019 on 27.02.2019 and, therefore, the applicant may also be extended the benefit of Section 438 of the Code of Criminal Procedure on the ground of parity.

(4) On the other hand, learned counsel for the State submits that similarly situated co-accused has already been granted anticipatory bail by this Court in M.Cr.C. (A) No.159 of 2019 on 27.02.2019.

(5) I have heard learned counsel appearing the parties and perused the case diary.

(6) Complainant – Sanjay Kumar Paul has already died as recorded in the order sheet dated 10.05.2019.

(7) Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, in particular the fact that similarly situated co-accused

namely – Radheshyam Banka has already been granted anticipatory bail by this Court in M.Cr.C. (A) No. 159/2019 on 27.02.2019, this Court is of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on his furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

- (i) that the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required.
- (ii) that the accused/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 accused/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.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
V. Judge

D/-

