

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 769 of 2019**

1. Tikesh Kumar Dansena, S/o. Shrawan Dansena, Aged About 24 Years, Occupation – Student.
2. Shrawan Kumar Dansena, S/o. Late Hetram Dansena, Aged About 50 Years, Occupation - Agriculturist,
Both are R/o. Village and Post Barbhouna, Police Station -Chhal, Tahsil – Kharsiya, District - Raigarh Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : Police Station - Chhal, District - Raigarh Chhattisgarh.

---- Respondent

For Applicants	: Mr. A.K. Athale with Mr. F.S. Khare, Advocates
For Respondent/State	: Mr. Shubhash Yadav, Dy.G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****12/07/2019**

1. Apprehending arrest in connection with Crime No.72/2019, registered at Police Station - Chhal, District – Raigarh (C.G.) for offence punishable under Section 420, 34 of the Indian Penal Code, the applicants have preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material present in the case diary. The applicant No.1 is member of BJP party and as he had been actively engaged in canvassing for the BJP in State Legislative Election, the candidate of Congress party was annoyed with him, therefore, this false FIR has been lodged against him implicating him in this case. The allegation made against these

applicants in the FIR is totally baseless. The accounts statement of the complainant produced along with the application itself discloses that all the withdrawals have been made by the complainant himself. The applicant No.1 himself give a complaint to the S.P., Raigarh stating about his false implication in this case regarding which order has been passed by the Coordinate Bench of this Court in W.P.(Cr.) No.256 of 2019 on 16.04.2019 in favour of the applicants. Therefore, it is prayed that the applicants may be granted anticipatory bail.

3. Per contra, learned State counsel opposes the application submitting that there is clear statement of the complainant that both these applicants have defrauded him and misappropriated the amount withdrawn from his bank accounts, therefore, the applicants are not entitled for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the prosecution case, complaint has been made by the complainant Hem Lal Rathiya alleging that he has received compensation of Rs.19,93,000/- against the land acquisition. It is alleged that this applicants helped him to open the bank accounts and deposited the cheque in the said account, however, they retained the passbook and ATM in their possession on the basis of which, they made withdrawal of total amount and have paid the complainant only Rs.9,50,000/- and have misappropriated the remaining amount by making misleading statement that amount has been deposited in the fixed deposit.

6. Considered the submissions made and the contents of the case diary. There is clear statement of the complainant regarding misappropriation made by these applicants and there may be requirement of custodial interrogation of these applicants for further investigation, hence for this reason, this Court is of the opinion that present is not a fit case, in which, the applicants should be enlarged on anticipatory bail.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is rejected.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram