

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1145 of 2019

- Lalan Singh @ Ajeet Singh S/o Late Aniruddh Singh Aged About 44 Years R/o Shyam Nagar, Behind Santoshi Mandir, Raipur, Tahsil And District- Raipur, Chhattisgarh

---- Applicant

Versus

1. Sanjay Kumar Pal (dead) S/o Bhutnath Pal Aged About 40 Years R/o Lodhipara, Mowa, Police Station-Mowa, Raipur, District- Raipur, Chhattisgarh
2. State Of Chhattisgarh Through The Station House Officer, Police Station, Devendra Nagar, Raipur, Chhattisgarh

---- Respondents

For Applicant : Mr. Kapil Maini, Advocate.

For Respondents/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/10/2019

1. The applicant has filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with complaint case no. 442/2011, pending before learned Judicial Magistrate First Class, Raipur (C.G.) for the offence punishable under Sections 294, 323, 423, 363, 367, 342, 506-B, 450 & 452 of the IPC.
2. As per the case of complainant, the applicant and other co-accused persons were trespassed in the house of complainant and abused him, threatened him and also abducted him and thereby committed the aforesaid offence 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 on behalf of the applicant would submit

that the applicant is innocent and 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 in similar situation, co-accused persons namely Radheshyam Baka and Chandrashekhar Banka have already granted benefit of anticipatory bail by this Court vide order dated 27.02.2019 & 20.05.2019 passed in MCRC(A) No 159/2019 & MCRC(A) 760/2019, therefore, in these circumstances, the applicant may also be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that in similar situation, co-accused persons namely Radheshyam Baka and Chandrashekhar Banka have already granted benefit of anticipatory bail by this Court. In my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal 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 made himself available for interrogation before the concerned Investigating Officer as and when required;
 - II. 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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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.

Sd/-

(Arvind Singh Chandel)
Judge