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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 4405 of 2019**

Vinay Kumar Pandey S/o Ramkumar Pandey Aged About 40 Years  
Occupation- Business And Farmer, R/o Village- Tanapara, Post- Khamhar,  
Tahsil And Police Station- Kharsiya, District- Raigarh, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Police Station- Kharsia, District- Raigarh,  
Chhattisgarh.

**---- Respondent****And****M.Cr.C.(A) No. 1069 of 2019**

Monu Kesari S/o Late Om Prakash Aged About 26 Years R/o Sindhi Colony  
Road, Ganj Piche Kharsiya, Tahsil- Kharsiya, District- Raigarh, Chhattisgarh.

**---- Applicant****Vs**

State Of Chhattisgarh Through Police Station- Kharsiya, District- Raigarh,  
Chhattisgarh.

**---- Respondent****And****M.Cr.C.(A) No. 1070 of 2019**

Tarun Singh Thakur S/o Shri Somnath Singh Thakur Aged About 38 Years  
R/o Village Kharsiya Ps And Tahsil Kharsiya District- Raigarh, Chhattisgarh.

**---- Applicant****Vs**

State Of Chhattisgarh Through PS- Kharsiya, District- Raigarh,  
Chhattisgarh.

**---- Respondent****And****M.Cr.C.(A) No. 1219 of 2019**

Santosh Yadav S/o Shri Babulal Yadav Aged About 43 Years R/o Sanjay  
Nagar, Kharsiya, Tahsil Kharsiya, District Raigarh Chhattisgarh.

**---- Applicant****Vs**

State Of Chhattisgarh Through Police Station Kharsiya District Raigarh  
Chhattisgarh.

**---- Respondent**

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|--------------------------|---|---------------------------------------------------------|
| For the Applicants       | : | Shri Sumit Jhawar and Shri Dhirendra Pandey, Advocates. |
| For the Respondent/State | : | Shri Adil Minhaj, P.L.                                  |
| For the Objector         | : | Shri Sushobit Singh, Advocate.                          |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**ORDER**

**26.08.2019**

Heard.

1. All these applications are being decided by this common order as they arise from the same incident. M.Cr.C. No. 4405 of 2019 is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 by the applicant for grant of regular bail to him, who has been arrested in connection with Crime No. 228 of 2019, registered at Police Station – Kharsia, District – Raigarh, Chhattisgarh for the offences punishable under Sections 365, 342, 323 and 147 of the Indian Penal Code. M.Cr.C.(A) Nos.1069 of 2019, 1070 of 2019 and 1219 of 2019 are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with the aforesaid offence.

2. Learned counsel for the applicants submit that the applicants have been falsely implicated in this case. Applicant – Vinay Kumar Pandey in M.Cr.C. No. 4405 of 2019 is in jail since 11.6.2019. The facts of this case are that the applicants and the complainant are concerned with a business conducted in partnership styled as Maa Kamakhya Logistics. As the complainant defalcated the accounts of the partnership firm, a dispute has

arisen regarding the same, because of which, when the complainant was asked to make good the loss occasioned therefore, he has lodged this false FIR. No incident has occurred as it is mentioned in the FIR. Hence, it is prayed that the applicants in all the cases be granted regular/ anticipatory bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect.

4. Learned counsel for the Objector adopts the arguments advanced by the State and submits that there is clear evidence against the applicants regarding the commission of offences as registered in the FIR. It is further submitted that applicant – Vinay Kumar Pandey in M.Cr.C. No. 4405 of 2019, applicant – Monu Kesari in M.Cr.C.(A) No. 1069 of 2019 and applicant – Tarun Singh Thakur in M.Cr.C.(A) No. 1070 of 2019 have a criminal record of number of cases and the prosecution pending against them. In fact all these applicants are sort of criminal elements, therefore, if they are granted the benefit of regular/ anticipatory bail they will again threaten the complainant and will manipulate the investigation. Hence, for these reasons, none of the applicants deserve to be enlarged on regular/ anticipatory bail.

5. Heard counsel for both the parties and perused the case diary.

6. Complainant – Premchand Agrawal has lodged FIR on 29.5.2019. He was called by the applicants on the spot in village Chodha. On arriving on the spot, the applicants all of sudden assaulted, beaten, threatened, blindfolded and abducted the complainant. The complainant was taken to a

lonely place and then he was forcefully asked to sign on papers which were meant for separating himself from the partnership of Maa Kamakhya Logistics and from the bank account. When the complainant refused to affix his signature, he was beaten and forced to do so. The complainant was then presented in the bank in custody of these applicants after putting him under threat. Hence, this case.

7. On perusal of the case-diary, it appears that there is sufficient evidence present to make out the offences as alleged against these applicants and also looking to the criminal history of applicant – Vinay Kumar Pandey in M.Cr.C. No. 4405 of 2019, applicant – Monu Kesari in M.Cr.C.(A) No. 1069 of 2019 and applicant – Tarun Singh Thakur in M.Cr.C.(A) No. 1070 of 2019, I am of this opinion that no case is made out for grant of regular/ anticipatory bail to these applicants.

8. Accordingly, the bail applications filed under Sections 439 and 438 of the Cr.P.C. are rejected.

Sd/-

**(Rajendra Chandra Singh Samant)**  
Judge