

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 281 of 2020**

1. Aakash Khatik S/o Balram Khatik Aged About 27 Years R/o Bazarpara, Chowki - Koriya, Police Station - Chirmiri, Tahsil - Baikunthpur, District - Koriya, Chhattisgarh
2. Ashish Khatik S/o Balram Khatik Aged About 21 Years R/o Bazarpara, Chowki - Koriya, Police Station - Chirmiri, Tahsil - Baikunthpur, District - Koriya, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station - Chirmiri, District Koriya, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Shivendu Pandya, Advocate.
For Respondent/State	:	Mr. Vimlesh Bajpai, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

18/06/2020

Heard.

1. The applicants are apprehending their arrest in connection with Crime No.147/2018 registered at police station–Chirmiri, District- Koriya (C.G.) for alleged commission of offence under Sections 384, 420, 467, 468, 471, 120(B) & 506 of I.P.C. and 4 Karja Act (as per charge sheet).
2. Prosecution case is that co-accused have been indulged in criminal activity of threatening and extorting money from the complainant. According to the report of the complainant, he had taken loan from the father of the applicants and for return of the money, the accused snatched away cheque book of the complainant.
3. Learned counsel for the applicants submits that in the present case, the allegations against the applicants are not *prima facie* made out. It is submitted that the allegation is against the other co-accused in alleging criminal activity. It is further submitted that the involvement of the applicants in the present case only because of transfer of money has been taken place in the account of the present applicants.
4. On the other hand, learned counsel for the State opposes and submits

that the report has been lodged against present applicants by various persons including complainant in the present case that the applicants are involved in extortion of money and also threatening the complainant labourers. He would further submit that as the Court below has also passed order declaring the applicants as absconding in view of the judgment of the Supreme Court in the cases of **Lavesh Vs. State (NCT of Delhi), (2012) 8 SCC 730** and **State of Madhya Pradesh Vs. Pradeep Sharma, (2014) 2 SCC 171**, therefore, application is liable to be rejected.

5. Having considered the submissions of learned counsel for the parties, nature of allegations and further taking into consideration the decision of the Supreme Court in the cases of *Lavesh (supra)* and *Pradeep Sharma (supra)* as the trial Court has passed order against the present applicants declaring them as absconding, therefore the application is liable to be rejected.

6. The anticipatory bail application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Ravi