

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 364 of 2020**

Anurag Anand Kosariya, son of Shri Vijay Anand Kosariya, aged about 31 years, R/o New Rajendra Nagar, Raipur, District Raipur (CG).

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station City Kotwali, Raipur, District Raipur (CG).

---- Non-applicant

For Applicant	: Mr. Shashank Thakur, Advocate
For State/Non-applicant	: Mr. D.K. Tiwari, Dy.G.A.

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

03.07.2020

1. Apprehending arrest in connection with Crime No.288/2019, registered at Police Station City Kotwali, Raipur, District Raipur for the offence punishable under Section 420 of Indian Penal Code, the applicant has filed the third bail application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail. Earlier his first anticipatory bail application was dismissed for want of prosecution by this Court vide order dated 16.08.2019 passed in M.Cr.C.(A) No.1115 of 2019. His second anticipatory bail application was rejected by this Court vide order dated 13.09.2019 passed in M.Cr.C.(A) No.1445 of 2019 considering *prima facie* case against him.
2. Case of the prosecution, in brief, is that the applicant has obtained an amount of Rs.10,80,000/- from complainants Chhatrapal Mathil, Afzal Khan and their relatives assuring them that he shall provide government job in the Department of Ayushman Swasthya Beema Yojna. On 11.04.2019 he executed an agreement with them. Thereafter, he gave forged appointment letter of Paramount Health & Insurance TPA Primate Limited to them.
3. In brief, the applicant's case is that a forged case has been

cooked against him. He had taken money from complainant Chhatrapal Mathil to bear some expenses. He drew my attention on para No.3 of Annexure A/4. The applicant is a doctor and dispute is of civil nature. He has granted bail in another case, which is registered against him. The said complainant himself is a cheater and a case is registered against him. He further drew my attention on Annexure A/6.

4. On the other hand, counsel for the State opposed the prayer for grant of anticipatory bail. He further submitted that the applicant is absconded and is not cooperating in investigation. Earlier, case under Section 420 of IPC was registered against him. Later on, Sections 476 & 468 of IPC have also added.

5. It is well settled legal principle that while dealing with the bail application, the defence of the accused cannot be looked into.

6. At this stage, the applicant does not get any help from Annexure A/6 and para No.3 of Annexure A/4.

7. Looking to the above mentioned facts and circumstances of the case, looking to the material available on record against the applicant, looking to the seriousness of the offence and looking to the impact of granting anticipatory bail to the applicant on society, this Court finds that this is not a fit case where the applicant be released on anticipatory bail in the third round of litigation.

8. Accordingly, the third anticipatory bail application filed under Section 438 of CrPC is rejected.

9. Certified copy as per rules.

SD/-

(Sharad Kumar Gupta)
JUDGE

L/-