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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 474 of 2020

- Dhiraj Gupta S/o Late Rajeshwar Gupta Aged About 39 Years R/o Village Patthalgaon, Tahsil And Police Station Patthalgaon, District Jashpur, Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Patthalgaon, District Jashpur, Chhattisgarh

---- Respondent

MCRCA No. 663 of 2020

- Bhikhu Sahu S/o Vinod Kumar Sahu, Aged About 25 Years Caste Teli, R/o. Babusajbahar, Police Station Tumla, District Jashpur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Patthalgaon, District Jashpur Chhattisgarh

---- Respondent

For Applicants	Mr. Shashank Thakur, Advocate
For Respondent/State	Mr. Alok Nigam, Government Advocate
For Objector	Mr. Sanjay Agrawal, Advocate

Proceedings through Video Conferencing

SB: Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board**14/7/2020**

1. Heard.
2. These are the two applications filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the applicants, who are apprehending their arrest in connection with Crime No.31/2020 registered at Police Station Patthalgaon, District Jashpur (CG) for the offence punishable under Sections 381 & 408 of the IPC.
3. As per the complaint filed by Madhusudan Agrawal, the present applicants along with co-accused Chamar Singh, Nitish Kumar, Vikas Kumar and Manoj Gupta committed theft and misappropriation of grocery articles amounting to Rs. 34, 29,182/-.
4. It is argued by learned counsel for the applicants that a day prior to the present FIR i.e. on 29.2.2020, the complainant and his family members abducted brother of applicant Dhiraj Gupta namely Manoj Gupta and assaulted him, for which, a complaint was lodged vide Annexure A-2, therefore, to protect themselves from the said allegation, the present false complaint has been lodged against the accused persons. It is also argued that the complainant's statement that CCTV camera of the godown was not working for about 4 months is difficult to believe as no

prudent businessman would avoid non-functioning of CCTV in his business premises for about 4 months.

5. Per contra, learned counsel for the State as also learned counsel for the Objector, would submit that the applicants are needed for interrogation and recoveries are to be made, therefore, they may not be granted anticipatory bail.
6. Having heard learned counsel for the parties and on perusal of the documents particularly Annexure A-2, which is the complaint lodged by Manoj Gupta a day prior to the present complaint, it appears, there was some dispute between the parties and therefore, the allegation of theft made on the next date of lodging of complaint by Manoj Gupta raises suspicion
7. Considering the entire facts situation of the case, this Court is inclined to extend the benefit of Section 438 of Cr.PC to the applicants.
8. Accordingly, the applications are allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the Arresting Officer with the following conditions :-
 - (i) they shall make himself themselves for interrogation by a Police Officer as and when required;
 - (ii) they 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 for disclosing such facts to the Court or to any Police Officer.

(iii) they shall not influence the witnesses during pendency of the trial.

9. Certified copy as per rules.

Sd/-

(Prashant Kumar Mishra)

Judge

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