

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1266 of 2020**

Prakash Kumar Mahilange, S/o Shri P.L. Mahilange, Aged About 33 Years (Presently aged about 34 Yeas), R/o Adharshila Builders, Near Petrol Pump, Gaurela Road, Pendra, Police Station - Pendra, Civil & Revenue District- Bilaspur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through: The Station House Officer, Police Station - Pendra, Civil & Revenue District - Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mr. Parasmani Shriwas, Advocate.
For State/ Respondent	:	Mr. B.P. Banjare, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**23/11/2020**

1. This is the second anticipatory bail application filed under Section 438 of the Code of Criminal Procedure, 1973. The applicant has apprehension of being arrested in connection with Crime No. 428/2018, registered at Police Station – Pendra, District – Bilaspur (C.G.) for the offence punishable under Section 420, 468, 471, 34 of the I.P.C.
2. The first bail application MCRCA No. 40 of 2019 was dismissed on merits on 28.01.2019.

3. Learned counsel for the applicant submits that the allegation regarding misappropriation against this applicant is not well founded and the applicant has made deposit of amounts found short, as reported against him. Some documents have been filed along with this application in support of the same. It is also submitted that one of the co-accused namely Dilip Singh Thakur has been granted anticipatory bail by the Coordinate Bench of this Court and other co-accused persons have been granted regular bail, therefore, this is the change in circumstances, on the basis of which, this applicant should be granted anticipatory bail.
4. Learned State counsel opposes the bail application and submits that the earlier application filed by this applicant has been dismissed on merits. This applicant is the main accused in this case, therefore, his case is different from other co-accused person, who has been granted anticipatory bail. Hence, there is no new circumstance present to grant anticipatory bail to this applicant. Hence, the application for grant of anticipatory bail may be dismissed.
5. Heard counsel for both the parties and perused the records.
6. Considered on the submissions and I am of this view that the submission regarding making payment of amount found short, is a matter, which can be raised by the applicant in the trial itself. As regards the other accused person, who has been granted

anticipatory bail, his case appears to be different, therefore, there is no reason to entertain this application.

7. In view of the above, the bail application filed under Section 438 of the Cr.P.C. is liable to be and is hereby dismissed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge