

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.762 of 2021

- Ram Salone Singh, son of Shri Ramprasad Singh, aged about 52 years, Occupation-Private Service, resident of E.W.S. 1331, MP Housing Board Bhilai, District Durg, Chhattisgarh.

---- **Applicant**

Versus

- State of Chhattisgarh, through Station House Officer, Police Station Chakradhar Nagar, Civil and Revenue District Raigarh (CG)

---- **Non-applicant**

For Applicant	:	Mr. Hemant Agrawal, Advocate
For Non-applicant	:	Mr. Srikant Kaushik, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

9/8/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.68/2021 registered at Police Station Chakradhar Nagar, District Raigarh (CG) for commission of offence punishable under Section 381 r/w 34 of IPC.
2. Case of the prosecution, in brief, is that that complainant Shantanu Kumar Bharadwaj lodged report mentioning therein that sale amount of wine kept in wine shop is found to be stolen. On 17.1.2021 present applicant was found stealing cash of Rs.7,200/-, which was sale amount of wine and kept in the cash box of wine shop. Based upon this complaint, instant crime is registered on 1.2.2021.
3. Mr. Hemant Agrawal, learned counsel for the applicant would submit that main accused Raj Kumar Jaiswal has been granted anticipatory bail by a Co-ordinate Bench vide order dated 24.5.2021 in M.Cr.C.(A) No.286/2021, hence present applicant may also be enlarged on anticipatory bail. He further submits that allegation against present applicant is of committing theft of Rs.7,200/- only. There is delay in lodging of FIR as the same has been lodged after 14 days of alleged

incident.

4. Mr. Srikant Kaushik, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicants and submits that earlier also present applicant was involved in commission of offence of theft of Rs.94,810/-, which was recovered from him. He further submits that on 17.1.2021 applicant was caught red-handed while committing theft of Rs.7,200/-. Allegation against accused Raj Kumar Jaiswal, who has been granted anticipatory bail, is of instigating present applicant for commission of offence of theft and thereafter they distributed amount of theft between them. Thus, allegation against present applicant is different from that of accused Raj Kumar Jaiswal, hence he is not entitled for benefit of anticipatory bail under Section 438 of CrPC.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations levelled against present applicant, who is salesman and custodian of cash of owner of wine shop, and the fact that case of present applicant stands on different footing from that of accused Raj Kumar Jaiswal, who has been granted anticipatory bail by the Co-ordinate Bench, I am not inclined to extend benefit of anticipatory bail to present applicant.
7. Accordingly, this anticipatory bail application of present applicant is hereby rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-