

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 878 of 2021**

1. Atul Singh Thakur S/o Shri Hulas Singh Aged About 30 Years
R/o. Ambedkar Chowk, Main Road, Akaltara, Police Station
Akaltara, District Janjgir-Champa (Chhattisgarh), District : Janjgir-
Champa, Chhattisgarh

---- Applicant**Versus**

1. State of Chhattisgarh Through Station House Officer, Police
Station Sarkanda, District Bilaspur (Chhattisgarh), District :
Bilaspur, Chhattisgarh

---- Respondent

For Applicant - Ms. N.K. Kashyap, Advocate.

For Respondent /State - Shri Arjit Tiwari, Panel Lawyer.

Hon'ble Shri Prashant Kumar Mishra, Ag. Chief Justice**Order on Board****07/09/2021**

1. Heard.
2. The applicant has preferred the second bail application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.679/2020, registered at Police Station Sarkanda, District- Bilaspur (C.G.), for offence punishable under Sections 420 & 120 B of the Indian Penal Code.

3. The first bail application of the applicant was dismissed as withdrawn, after arguing for some time, with liberty to surrender and apply for regular bail before the jurisdictional Court. In second bail application, learned counsel for the applicant contended that the applicant does not want to surrender, therefore, he seeks an order on merits.
4. As per the written complaint lodged by Chetan Kumar Kenwat, the present applicant and co-accused Lav Kumar were previously acquainted with him, therefore, he spoke to them for sale of his 14 wheel truck bearing registration number CG 12 S 5320. This applicant and Lav Kumar tried to persuade the complainant to dismantle the truck and raise false insurance claim but out of fear, he refused to do so. On 07-03-2020, one person calling himself Bansidhar Kurre contacted him for purchase of truck. He was sent by the present applicant Lav Kumar alongwith one cheque of Bank of Baroda. The complainant was called at Sarkanda, Chhatghat bridge and was handed over cheque of Rs.2,25,000/-. The complainant was directed to park the truck at Agrawal petrol pump. On 13-03-2020, the bank informed him that there is no amount in the bank account of which the cheque was issued. The complainant came to know that it was the present applicant and Lav Kumar who had planned the entire operation and by using the forged cheque in the name of Bansidhar Kurre, obtained delivery of the truck and are neither paying the amount nor the truck is returned.
5. In the memorandum statement of co-accused Lav Kumar, he has revealed in detail as to how he and the present applicant hatched a conspiracy to defraud the complainant. In the memorandum statement of another co-accused Gazi Khan also the applicant has been named. It is also revealed in the memorandum statements that the applicant has already dismantled the truck and sold the parts.

6. Even otherwise, the applicant having once withdrawn the bail application seeking liberty to surrender and apply for regular bail, he is not entitled to be released on anticipatory bail on this count alone, and on merits also he is not entitled for the benefit under Section 438 of the Cr.P.C.
7. Accordingly, the present MCRCA is dismissed.

SD/-
(Prashant Kumar Mishra)
Acting Chief Justice

Gowri