

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1324 of 2019

- 1(i) Smt. Sangeeta Pandey W/o Late Shri H. N. Pandey, Aged About 59 Years, R/o Dayakunj, Karbala Road Bilaspur, District Bilaspur (C.G.).
- 1(ii) Chandrakant Pandey S/o Late Shri H. N. Pandey, Aged About 38 Years, R/o Dayakunj, Karbala Road Bilaspur, District Bilaspur (C.G.).
- 1(iii) Divyakant Pandey S/o Late Shri H. N. Pandey, Aged About 33 Years, R/o Dayakunj, Karbala Road Bilaspur, District Bilaspur (C.G.).
- 1(iv) Anshu Bajpai Pandey W/o Shri Amitabh Bajpai, Aged About 36 Years, D/o Late Shri H. N. Pandey, R/o Dayakunj, Karbala Road Bilaspur, District Bilaspur (C.G.).

----Applicants

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Sarkanda, Bilaspur District Bilaspur (C.G.).
2. Abhinav Pathak S/o Shri Mithlesh Kumar Pathak, Aged About 39 Years, R/o Sarkanda, P.S. Sarkanda, Bilaspur, District Bilaspur (C.G.).

---- Respondents

For Applicants : Mr. Surendra Kumar Dewangan, Advocate.
For Respondents/State: Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Gautam Chourdiya
Order On Board

13/08/2021

- 1) The matter is heard through Video Conferencing.
- 2) The present petition under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973 has been filed for canceling the order dated 03/05/2019 passed by Additional

Sessions Judge, Bilaspur in Bail Application No. 633/2019 granting anticipatory bail to Respondent No. 2 Abhinav Pathak in connection with Crime No. 421/2019 registered at Police Station Sarkanda District Bilaspur (C.G.) for the offence punishable under Sections 120-B, 420, 467 and 468 of Indian Penal Code.

- 3) As per the prosecution case, the complainant H.N. Pandey lodged a report that the applicant alongwith other co-accused persons claiming themselves to be the owner of the land, which belonged to some other person, executed a sale deed with the complainant and obtained Rs. 20 Lakh from him fraudulently.
- 4) Learned Counsel for the petitioners submits that Court below while granting anticipatory bail to Respondent No. 2 did not consider the criminal antecedents of Respondent No. 2 of similar nature bearing Crime No. 589/2018 registered at Police Station Civil Lines, Bilaspur (C.G.) and Crime No. 850/2018 registered at Police Station Sarkanda, Bilaspur (C.G.) despite the same having been brought to its knowledge. Therefore, the impugned bail order being passed in a casual manner is liable to be cancelled.
- 5) On the other hand State Counsel duly assisted the Court.
- 6) The Court below considering the fact that agreement was executed between the co-accused Shrestha Pathak and the complainant for sale of land and money was also obtained by co-accused Shrestha Pathak whereas the applicant (Respondent No. 2) was neither a party to the said agreement nor did receive any amount from the complainant, granted anticipatory bail in his favour. The impugned bail order was passed on 03/05/2019, according to the Counsel for the petitioners the trial is going on, there is nothing to show that Respondent No. 2 is in any manner misusing the liberty granted to him by the Trial Court or tampering with the evidence or intimidating or influencing the witnesses acquainted with the

facts of the case or preventing them from disclosing such facts to the Court. Therefore, this Court finds no reason for cancellation of bail granted to Respondent No. 2 Abhinav Pathak by the Court below. Accordingly, the CRMP being without any substance is liable to be dismissed and is **dismissed** as such.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant