

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1022 of 2021**

- Raghvendra Jaiswal, S/o Late Shri Gajanand Jaiswal, Aged about 35 years, R/o New Bus Stand Pali, Police Station & Tahsil- Pali, Civil & Revenue District- Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Acting through- Officer-In-Charge, Police Station- Jashpur, District- Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Devesh G. Kela, Advocate
For Respondent/State	: Shri Vimlesh Bajpai, GA

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

09.09.2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No. 269 of 2014 registered at Police Station- Jashpur, District- Jashpur, Chhattisgarh for commission of offense punishable under Sections 420, 467, 468, 471 and 34 of IPC.
2. Case of the prosecution, in brief, is that, based on the complaint of Sanjay Bhagat, In-charge, Executive Engineer (O&M), the Chhattisgarh State Power Distribution Company Ltd. instant crime is registered against the applicant and co-accused persons by name Pankaj Kumar Kela and Ghanshyam Vidhwani. Allegations in complaint are that accused persons had stolen I.D./password of CSEB Authorities, got issued tender in their names, produced forged bills and thereby withdrawn amount of Rs. 17,30,645.80ps from the Electricity Department. During the course of investigation, two accused persons were arrested and present applicant remained absconded. The charge-sheet was filed showing the applicant as absconding.

3. Learned counsel for the applicant submits that the applicant has not committed any offence as alleged against him. Applicant has purchased one Bolero four wheeler on finance to run the same as taxi, but he could not able to maintain said vehicle and pay installments of loan. Applicant shared his problem with co-accused Pankaj Kumar Kela, who is his maternal cousin, whereupon co-accused Pankaj Kumar Kela stated that he can deploy his vehicle in the office of CSPDCL, Jashpur on the monthly rent of Rs. 20,000/-. It is this amount of rent which was deposited in the bank account of applicant by co-accused Pankaj Kumar Kela. He submits co-accused Pankaj Kumar Kela informed the applicant that amount more than Rs. 20,000/- has been deposited in his bank account and asked to transfer the same in bank account of person to be informed by him. The applicant has deposited excess amount of his account in the bank account given by co-accused Pankaj Kumar Kela. He submits that trial against co-accused Pankaj Kumar Kela and Ghanshyam Vidhwani, who are in fact main accused, is concluded. Judgment was delivered by the trial Court concerned on 30.01.2021 acquitting them of all the charges levelled against them on the ground that prosecution has failed to prove charges against them. Allegations against present applicant are also similar to that of co-accused persons who have been acquitted by the trial Court. He further submits that the applicant was not absconding, in fact, no investigation has been done from him by the Police. Hence he may be enlarged on anticipatory bail. Learned counsel for the applicant submits that the two accused who were arrested were acquitted by Trial Court.

4. On the other hand, Shri Vimlesh Bajpai, learned State counsel opposing the submissions made by learned counsel for the applicant, submits that bill of Rs. 4,63,280/- in the name of the applicant has been submitted which was paid to the applicant. The applicant is involved in the commission of crime. He is continuously absconding since the year 2014,

hence he is not entitled for grant of anticipatory bail. He further submits that other two co-accused persons are in jail.

5. I have heard learned counsel for the parties.

6. Taking into consideration the nature of allegations levelled against applicant, the fact that two co-accused persons, charges against whom are similar to charges levelled against applicant, have already been acquitted by the trial Court after full-fledged trial, without commenting anything on merits of the case, I am inclined to grant anticipatory bail to the applicant.

7. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with crime in question, he shall be released on anticipatory bail by the Officer arresting him on his executing a personal bond in the sum of Rs.25,000/- (Rupees twenty-five thousand) with one surety in the like sum to the satisfaction of the concerned Arresting Officer. The applicant shall also abide by the following conditions:

- a) That the applicant shall make himself available for interrogation before the Investigating Officer as and when required;
- b) That the applicant 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/her from disclosing such facts to the Court or to any Police Officer;
- c) That the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- d) That the applicant shall appear before the trial Court on each and every date given to him/her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
JUDGE