



2026:CGHC:15383



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCRCA No. 485 of 2026

Kamal Kishore Sahu S/o Late B.L. Sahu Aged About 35 Years R/o
Kanchanganga, Phase- 2, D.D. Nagar, Raipur, District Raipur (C.G.)

... Applicant

versus

State Of Chhattisgarh Through The Station House Officer, Police Of Police
Station Bilaigarh, District Balodabazar- Bhatapara (Now Sarangarh-Bilaigarh)
(C.G.)

.... Respondent

For Applicant : Shri Anil Kumar Gulati, Advocate.

For : Ms. Vaishali Mahilong, Dy.G.A.

Respondent/State

Hon'ble Shri Ramesh Sinha, Chief Justice

Order On Board

02/04/2026

1. The applicant has preferred this application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), for grant of anticipatory bail, apprehending his arrest in connection with Crime No.329/2017, registered at Police Station Bilaigarh, Balodabazar-Bhatapara (Now Sarangarh-Bilaigarh) (C.G.) for alleged commission of



offence punishable under Section 420 read with Section 34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that the FIR was lodged by the complainant Dwarika Prasad Sahu against the present applicant and one more accused person alleging inter-alia that he has given sum of Rs.30,00,000/- to the applicant and one Banwari Lal Sahu to provide the job to his son and out of which sum of Rs.8,30,000/- has been returned and remaining amount has not been returned by them. Further it is mentioned that the applicant asked the son of complainant that he is posted at office of N.R.D.A. and he will provide the job to them at AIIM and assured him that within three month the job will be provided to his son and to his daughter and under the impression that the job will be provided to the son and daughter, he gave money to the applicant and other co-accused persons, but when son and daughter of complainant was not selected for any post, he demanded the money back, but due to one or other reason, the applicant and other accused persons failed to return the money and ultimately when the accused persons failed to return the money, the FIR was lodged by the complainant pleaded inter-alia that the applicant obtained the money to provide the job. On 20-07-2016, the stamp paper was written by the applicant and on the basis of written report, the FIR was registered against the applicant and other co-accused person, but at the time of filing of charge sheet it was found that there is no involvement of other co-accused person i.e. Banwari Lal Sahu and charge sheet alone filed against the applicant showing the present applicant as abscond.
3. Learned counsel for the applicant submits that the applicant is innocent



and has been falsely implicated in the present case. He would submit that the allegations are baseless and arise out of a monetary dispute, as the applicant had borrowed money from the complainant and, upon failure to repay, a false FIR has been lodged. It is further submitted that though the charge sheet has been filed showing the applicant as absconding, no proclamation proceedings have been initiated till date. He would further submit that the applicant is a permanent resident of address mentioned in the cause title and there is no likelihood of absconding, the applicant undertakes to abide by any conditions imposed by this Court, therefore, he submits that the present applicant is entitled for grant of anticipatory bail.

4. On the other hand, learned State counsel opposes the prayer for grant of anticipatory bail. She would submit that the applicant has three criminal antecedents, out of which in two cases, permanent arrest warrant has been issued. She would further submit that anticipatory bail application of the applicant in another crime number has been rejected by this Court vide MCRCA No.446/2026 on 24/03/2026. She would submit that the applicant has absconded and charge sheet was submitted against him as an absconder, therefore the applicant is not entitled for benefit of anticipatory bail.
5. I have heard learned counsel for the parties and perused the materials available on record.
6. Considering the facts & circumstances of the case, submission of learned counsel for the parties, materials available on record, nature of allegation against the applicant, further the fact that the applicant has



three criminal antecedents, out of which in two cases, permanent arrest warrant has been issued, further the fact that anticipatory bail application of the applicant in another crime number has been rejected by this Court vide MCRC No.446/2026 on 24/03/2026, further considering the fact that charge sheet was submitted against the applicant as an absconder and also in the light of the judgment of Supreme Court in **Lavesh v. State (NCT of Delhi)**, reported in **{(2012) 8 SCC 730}** and **State of Madhya Pradesh v. Pradeep Sharma**, reported in **{(2014) 2 SCC 171}**, wherein it has been observed that where the accused has been declared as an absconder and has not cooperated with the investigation, he should not be granted anticipatory bail, therefore this Court does not find it to be a fit case to grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application of the applicant - **Kamal Kishore Sahu**, involved in Crime No.329/2017, registered at Police Station Bilaigarh, Balodabazar-Bhatapara (Now Sarangarh-Bilaigarh) (C.G.) for alleged commission of offence punishable under Section 420 read with Section 34 of Indian Penal Code is **rejected**.

Sd/-

(Ramesh Sinha)
Chief Justice