

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2947 of 2023

Applicant :- Iqbal Ahmad Khan And Another

Opposite Party :- Central Bureau Of Investigation, Anti-Corruption Branch, Lucknow

Counsel for Applicant :- Himanshu Hemant Gupta

Counsel for Opposite Party :- Anurag Kumar Singh

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Himanshu Hemant Gupta, the learned counsel for the applicants as well as Sri Dharmendra Pratap Singh holding brief of Sri Anurag Kumar Singh, the learned counsel for the respondent-C.B.I and perused the record.

2. By means of the instant application the applicants are seeking bail in Sessions Case No.491 of 2023 arising out of F.I.R. No. RC00620011A0007 under sections 120-B, 420, 467, 468, 471, I.P.C., 1860 and Section 13(2) read with 13(1)(d) of Prevention of Corruption Act, 1988, P.S. SPE/ACB, Lucknow.

3. The aforesaid case has been registered on the basis of a first information report (F.I.R.) lodged by the C.B.I on 13th of April 2011 against a named accused person and unknown officers/officials of District Industries Centre, District Chandauli, and unknown officers/officials of Northern Coalfields Ltd., alleging certain illegalities committed in supplying coal by the officers/officials of Northern Coalfields Ltd. with active connivance of the officers/ officials of the District Industries Centre.

4. The C.B.I. has submitted a charge-sheet on 31.05.2012, named as many as 15 persons. Regarding the applicants, the allegation is that they are the owner of M/s Dawn Enterprises

and M/s Kohinoor Traders. The investigation has revealed that during year 2010-11, sale of at least 941.18 Metric Tonn SSF and 214.75 and 1076.56 Metric Tone SSF and 233.05 Metric Tonn undersized coal was shown to have been made to M/s Dawn Enterprises and M/s Kohinoor Traders by M/s Shree Ram Fuels Pvt. Ltd. through various truck loads and it was proved to be false on the basis of the vehicles determined as other than trucks. The applicants has been charged as being involved in criminal conspiracy of illegal diversion of coal by showing fake purchase of undersized coal.

5. The charge-sheet mentions that the applicants were not arrested during investigation.

6. The learned counsel for the applicants submits that several other co-accused persons have already been granted anticipatory bail, one of the co-accused person Ramji Singh and Gajraj Kunwar Jain, have been granted anticipatory bail by means of orders dated 28.03.2023 and 01.08.2023 passed by this Court in Criminal Anticipatory Bail Applications No-676 of 2023 and 1696 of 2023, respectively..

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the allegation levelled against the applicants is that they are the owner of a company to which sale of coal alleged to have been made, which supplies have been found to be fake on the basis of vehicles nos through which the coal was allegedly supplied and there is no allegation of any act of commission by the applicants; that the applicants have cooperated with the investigation and they were not arrested during investigation, coupled with the fact that some other accused persons have already been granted anticipatory bail I am of the view that the applicants are also entitled to be granted anticipatory bail.

8. In view of the above, the anticipatory bail application is **allowed.**

9. In the event of arrest, let the accused-applicants **Iqbal Ahmad Khan and Shahnawaz Ahmad**, be released forthwith in the aforesaid case, on bail on furnishing a personal bond with two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i). That the applicants shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicants 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 from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicants shall not pressurize/ intimidate the prosecution witness;

(Subhash Vidyarthi, J.)

Order Date :- 19.12.2023

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