

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1027 of 2015

Roshan Agrawal S/o Shri Anand Aged About 30 Years R/o Gayatri Nagar, Rajgamar, Chowki Rajgamar, P.S. Balconagar, Tahsil, Revenue And Civil District Korba (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Kathghora, District Korba (Chhattisgarh).

---- Respondent

For applicant – Sandeep Dubey, Advocate.
For Respondent/State – Smt. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

28/10/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.219 of 2015, registered at Police Station Kathghora, District-Korba (C.G.) for offence punishable under Section 379 of IPC & 20(4) of Mines Act.
2. As per the prosecution case, on 13/09/2015 a truck bearing No.C.G.12 S 0342 was transporting illegal coal which was seized by the police. Thereafter, offence was registered under 379 of IPC and under the provisions of section 20(4) of Mines Act. Applicant is supervisor of Sarvamangala transport whose truck was being intercepted.
3. Learned counsel for the applicant submits that the applicant being supervisor he has no role to play and if some overt act has been done by the driver then he cannot be held liable. He further submits that provisions

of section 20 (4) of the Mines Act do not exist, therefore applicant may be enlarged on bail.

4. Learned State counsel opposes the prayer for grant of bail and read out the statement of the Sambhu Singh guard of the premises who caught hold of the truck. According to such statement when enquiry was being made, driver had disclosed that it was being done at the instruction of the applicant Roshan Agrawal.

5. Therefore, considering fact that investigation is on primary stage and after taking into consideration the statement of Sambhu Singh, it can not be conclusively drawn at this stage about involvement of applicant. Considering the case diary it is felt that investigation may need custodial interrogation. Therefore I am not inclined to extend benefit of anticipatory bail to the applicant.

6. Accordingly, anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
JUDGE