

COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 173 /2016

Manoj Kumar Agrawal, S/o. Late Jeevan Ram Agrawal, Aged About 41 Years, Proprietor, M/s. Rajendra Prasad Poddar, License No. 7015, R/o. Mahavir City, Rajkishor Nagar, Thana Sarkanda, Bilaspur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Hirri, Criminal District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate

For Respondent : Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

01/03/2016

1. Apprehending arrest in connection with Crime No.34/2015 registered at Police Station- Hirri, District Bilaspur (C.G.) for the offence punishable under Section 379, 420, 414, 120-B of Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, in brief, on 10.03.2015, the depot of the applicant was inspected and on inspection, it was found that according to the stock register, excess coal was lying in the depot and two Trucks were found loaded with the excess coal as against the weighment slip. It is the case of the prosecution that the information was received that the applicant has misappropriated and stolen the coal and prepared forged document, therefore, the offence has been committed.

3. Learned counsel for the applicant submits that the applicant is running coal depot according to the licence which has been issued by the Mining Department and no excess quantity of coal were found according to the stock register and the notices having been given the respective registers were produced before the police. He further submits that the notice was served under Section 91 wherein query was made that the coal which were loaded of 16 Tonne and 19 Tonne in the Truck were satisfied by producing document. He further submits that the application was moved for custody of the goods and the police had not objected to it and given the goods on supurdnama, therefore, virtually no case is made out against the applicant and the applicant may be given the benefit of anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary, FIR and the stock register. According to the stock register, which is seized, which was required to be maintained by the applicant, on 10.03.2015, 931.660 MT coal was shown in the stock but on actual verification 100 MT of coal was found which is proved by the seizure memo. So as against the documents inflated stocks were shown. Further in the Truck 31.960 MT was found to be loaded and according to the royalty pass, the loaded coal should have been 19.990 MT. Likewise, in the another Truck 15.050 MT coal was found but the receipt which was found to be different from that of actual coal, which was loaded in the Truck. Taking into such fact, since the entire issue is about the coal and the weighment and allegations of forgery are leveled, considering the divergent weighment found as against the stock register and the actual coal which was found and further taking into fact that the loaded coal in the Trucks were much more from the receipt

showing the quantity, considering the nature of allegations the crime necessarily requires investigation as prima facie offence appears to have been exists. Considering the voluminous document in the case diary, I am not inclined to enlarge the applicant on anticipatory bail, as perusal of the case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required.

6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is dismissed.

Sd/-
(Goutam Bhaduri)
Judge