

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 523 of 2016

1. Saroj Awashti son of Dallu Prasad Awasthi Aged About 42 Years Occupation - Agriculturist R/o - Village Singhanpuri, Post - Andhiyarkhor, Thasil - Bemetara (Wrongly Mentioned In The Impugned Order As Thasil - Nawagarh), Chowki Chandanu, Thana - Nandghat, District - Bemetara Chhattisgarh
2. Manoj Awasthi S/o Dallu Prasad Awasthi Aged About 45 Years Occupation - Agriculturist R/o - Village Singhanpuri, Post - Andhiyarkhor, Thasil - Bemetara (Wrongly Mentioned In The Impugned Order As Thasil - Nawagarh), Chowki Chandanu, Thana - Nandghat, District - Bemetara Chhattisgarh --- **Applicants**

Versus

- District Magistrate Bemetara, Chowki Chandanu, Thana - Nandghat, District - Bemetara Chhattisgarh --- **Respondent**

For the applicant : Mr. Vinay Padey, Advocate.
For the Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

29.07.2016

1. Apprehending arrest in connection with Crime No. 89 of 2016 registered at Police Station Chowki Chandanu (P.S. Nandghat) Distt. Bemetara (C.G) for the offences punishable under section 379/34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, a report was made by one Krishna Pal that the applicants have lifted 263 tonnes of molasses without his knowledge thereby the offence has been committed.
3. Learned counsel for the applicants would submit that the

applicants are agriculturists and producers of sugarcane. They entered into an agreement with the complainant to process the sugarcane into molasses however he could not do it though the amount of Rs.1,56,471/- was paid and since he could not do it, as such, instead of cash payment, certain quantity of molasses was handed over to the applicants so as to sell the same and recover the dues and the agreement was also entered with the applicants wherein also the complainant admitted his dues as per Annexure A-2 and when a report was made to the Police vide Annexure A-3, the complainant has lodged the false report after 17 days, therefore, the applicants have been falsely implicated.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Perused the case diary and documents. A perusal of the documents and statements would primarily show that some business transactions were going between the parties and as such certain dues payable by the complainant appears to be outstanding.
6. Considering the facts and circumstances of the case and nature of transaction as also the back ground of the case and the delay in lodging the FIR, I am inclined to admit the applicants to anticipatory bail.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the officer

arresting them or the concerned Investigating Officer.

The applicants shall also abide by the following conditions :-

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 any police officer;
- (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**