

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7175 of 2015

Hasan M. Angolkar, S/o. Mohd. Angolkar, Aged About 65 Years, R/o. Nawacross, Bhagya Nagar, Sukhkarta Colony, P.S. Tilakbadi, Belgam, Distt. Belgam, Karnataka

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, P.S. Civil Lines, Raipur, Distt. Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mrs. Fouzia Mirza, Advocate
For Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate
For Objector	:	Mr. Ankit Singhal, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

03.02.2016

1. This is the second bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.179/2012 registered at Police Station– Civil Lines, District Raipur (C.G.) for the offence punishable under Section 420, 467, 467, 468, 471, 120-B of Indian Penal Code (wrongly mentioned). 420, 409, 467, 468, 471, 120-B, 34, 201 of Indian Penal Code.
2. The first bail application is dismissed on 03.02.2015 in M.Cr.C. No.6452 of 2014.
3. Case of the prosecution, in brief, is that the applicant was working as CEO in the Company of complainant Hira Steel Ltd., who entered into an agreement with Coastal Mines & Minerals Pvt. Ltd., Goa wherein Prasanna V. Godge was the partner. The agreement

was for supply of iron ore and according to the agreement, the ferrous contents in the iron ore should be 52%. As per the contract, 11.253 Mts. of iron ore were loaded on Vessels to export it to China and accordingly, Hira Steel has paid an amount of Rs.26 crores. The iron ore was reached to China and when it was tested there, the ferrous contents in the iron ore was found to be 41.21% and the false certificate was procured from Geochem Laboratories Private Ltd., which shows the ferrous contents in the iron ore to be 53.69%. It is further case of the prosecution that the applicant received an amount of Rs.50 Lakhs from co-accused Prasanna V. Godge and despite knowing the fact that the iron ore contents were less, the applicant in connivance with other co-accused has committed fraud.

4. Learned counsel for the applicant submits that the other co-accused Prasanna V. Godge who was the supplier of the iron ore has been enlarged on bail by the Hon'ble Supreme Court vide order dated 04.08.2015 and K.Jagannath Rao who has given the quantity certificate that the iron ore contents specific ferrous has already been enlarged on bail by the co-ordinate Bench of this Court on 21.01.2016. It is therefore submitted that considering the fact that the main accused i.e. Prasanna V. Godge and K. Jagannath Rao have been enlarged on bail, the present applicant who is CEO of the complainant company is also entitled for the same relief as the trial of the Court has already been stayed by the Hon'ble Supreme Court by the order dated 22.08.2014.
5. Per contra, learned State counsel and the learned counsel for the Objector opposes the prayer for grant of bail, however, do not dispute the fact that the other similarly placed co-accused have been granted bail.

6. I have heard learned counsel appearing for the parties and perused the case diary.
7. Taking into the fact that the other co-accused have been enlarged on bail, one by the Hon'ble Supreme Court and another by the co-ordinate Bench of this Court, therefore, considering the change of circumstances that the similarly placed co-accused have been granted bail and trial is already stayed, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
10. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge