

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 146 of 2016

Pushpendra Katariya, S/o. Late Wajir Singh Katariya, Aged about 35 years,
Occupation Business, Resident of Bilaspur Chowk, Manipur, Ambikapur, P.S.
Kotwali, Tahsil- Ambikapur, District Sarguja (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Gandhinagar, District
Sarguja (C.G.)

---- Respondent

For Applicant :- Mr. C.J.K. Rao, Advocate

For Respondent/ State :- Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26/02/2016

1. Apprehending arrest in connection with the Crime/ Istghasa No. 5/2015, registered at Police Station Gandhinagar, District Sarguja (C.G.) for the offence punishable under sections 41(1-4) Criminal Procedure Code and section 379 of Indian Penal Code. The applicant has filed this application under Section 438 of Cr. P. C. for grant of anticipatory bail.
2. Case of the prosecution, in brief, is that on 01.12.2015 a secret information was received that a truck bearing registration No. C.G. 15 AC

2322 was found at Banaras Chowk, Ambikapur, at that time, the driver was intercepted and notice was given to the driver. The driver had produced the royalty paid pass which was signed by Shri Bajrangbali Coal Company and the coal was meant for Indra Power Rainpur and the weighment receipt of Mahamaya Dharamkata was produced which bears seal dated on 21.12.2014, therefore, the offence was registered and the matter is being investigated.

3. Counsel for the applicant submits that the applicant is a transporter and a truck was loaded with the coal from Astha International Coal on 10.11.2015 and the break down was caused in between Katghora Forest and the said truck was repaired after 20 days, while it was going to Mahamaya Bricks, Rainpur and on the way it was intercepted and a false case has been registered against this applicant. It is submitted that the coal which was being loaded was purchased for valuable consideration and was being transported. He further relied on the royalty paid pass filed as Annexure A/2 and would submit that the coal was loaded from Astha International Coal and was being carried to Mahamaya Bricks, Rainpur.

4. Per contra State counsel opposes the prayer for grant of bail.

5. Perusal of the case diary would show that the said truck was intercepted and on the notice having given to driver, certain documents, royalty paid pass dated 21.12.2014 and the receipts of Shri Bajrangbali Coal Company were produced. According to the document then produced, the coal was meant for Indra Power Rainpur. Before this Court, the applicant has produced royalty receipt filed as Annexure A/2 and the receipt of Astha International Coal. The document would show that the coal which was loaded from Astha International Coal was meant for Mahamaya Bricks, Rainpur. The royalty receipt which is produced by the applicant is dated 19.05.2015 and the coal has been stated to have purchased on 10.11.2015, therefore, it is

unnatural to believe that in the month of May, the applicant would know that he would be loading particular quantity of coal in the month of November, in a particular truck. Prima-facie, the documents produced one and are of after thought, consequently, the involvement of the applicant can not be ruled out.

6. Accordingly, the anticipatory bail application is rejected.

Sd/-
(Goutam Bhaduri)
JUDGE