

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 1302 /2015

Sanjay Agrawal, S/o. Ramkumar, Aged About 50 Years, R/o. Ward No. 6,
Main Road, Saraypali, Civil & Revenue Distt. Mahasamund, Distt.
Mahasamund, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through: Police Thana Basna, Distt. Mahasamund,
Chhattisgarh

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate.

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/01/2016

1. Apprehending arrest in connection with Crime No.347/2015 registered at Police Thana- Basna (wrongly mentioned as Saraypali in order sheet), District Mahasamund (C.G.) for the offence punishable under Section 3/7 of Essential Commodities Act, 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 story, in brief, the applicant is the Distributor of the kerosene and two Tankers were sent from Mandir Hasaud Oil Depot to distribute it to Primary Agricultural Cooperative Society, Bhukel and the Tankers were carrying 24000 liters of kerosene, however, the said kerosene was to reach at Saraypali but at Basna the said kerosene Tanker was intercepted and the kerosene were measured wherein it was found that in one Tanker 64 liters and in another Tanker 80 liters kerosene were less; thereby the offence has been registered.

3. Learned counsel for the applicant submits that the enquiry was made in absence of the applicant and even the kerosene which was to be distributed to the society were distributed to the extent for which it was required. Consequently, it will lead to show that no offence has been committed; therefore, the applicant may be enlarged on anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the statement of the Driver of the Tanker as also the documents filed by the applicant. *Prima facie*, it appears that the distribution of kerosene has been made. Taking into the facts and circumstances of the case and considering the quantity of kerosene as has been alleged and further considering the documents which are placed by the applicant, which shows that the distribution was made, I find it to be a fit case to extend the benefit of Section 438 of Cr.P.C.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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 to any police officer;

- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/--
(Goutam Bhaduri)
Judge

Ashok