

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 417 of 2016

1. Rajan Singh, S/o. Shri Awadhesh Kumar Singh, aged about 33 years, R/o. Rajkishore Nagar, Police Station – Sarkanda, District - Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station - Katghora, District – Korba (C.G.)

---- Respondent

For Applicant	: Mr. D.K. Gwalre, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/05/2016

1. Apprehending arrest in connection with Crime No.49/2014, registered at Police Station- Katghora, District – Korba (C.G.), for offence punishable under Section 420, 467, 468, 471/34 of the Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case on 06.02.2014, a truck bearing No.C.G.04-JC-2427 was apprehended near Rampur check post and thereafter, on being inspected apart from the driver, one person, who was travelling in the truck fled away. Subsequently, certain royalty paid pass, weighing slip and freight slip were recovered, which was subsequently found to be forged. According to the prosecution, the applicant is the owner of the truck and he was involved in the sale of coal by forged documents. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that admittedly on 06.02.2014, the applicant was not apprehended on the spot and it was only one person, who handed over certain documents to the driver of the applicant and thereafter fled away. It is further submitted that driver has no clue that whether such documents were forged or not. The counsel referred to the document, Annexure A/2, filed alongwith the bail application, which purports that vehicle was given on lease to Kamlesh Patel and Sandeep Sharma. He further submits that the applicant was not in know about the use of the vehicle being used by the lessee. He further referred to the document i.e. affidavit (Annexure A/3) and submits that Kamlesh Patel has admitted the entire allegations and therefore, since the vehicle was not in control of the applicant, no criminality can be attributed to the applicant. The counsel further submits that the applicant has been falsely implicated in this case, therefore, he may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary. Case diary contains the statement of Kamlesh Patel, who is said to be the lessee of vehicle and was alleged in possession of the truck alongwith Sandeep Sharma as per document Annexure A/2 filed by the applicant. Statement of Kamlesh Patel would show that some agreement was executed by applicant telling him the fact that the truck of the applicant has met with an accident and therefore, in order to get the truck released, agreement was required. Therefore on faith, the agreement was executed. Similar statement is made by Sandeep Sharma. It is also stated by Sandeep Sharma that agreement which was alleged to have been executed was not handed

over to him and since original agreement was not given by applicant despite demand, a report to the police station, Katghora was made. The said report is also part of the case diary. The report purports that in order to inculcate, the applicant has prepared false documents. The applicant has stated before the Court by way of defence that the applicant was not in possession of vehicle as it was leased to Kamlesh Patel and Sandeep Sharma on the basis of Annexure A/2. The statement of Kamlesh Patel and Sandeep Sharma, however, do not support the same and instead counter allegation is made that in order to inculcate them, false agreement has been prepared by the applicant. In view of the statements and considering the documents available, it is not a case, where the provisions of Section 438 of Cr.P.C. can be extended as it can not be stated that custodial interrogation of the applicant may not be required. Therefore, I am not inclined to grant anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge