

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 822 /2016

Haidar Ali Ansari, S/o. Abdul Gabbar Ansari @ Abdul Gaffur Ansari, Aged About 51 Years, R/o. Pali Road, Dipika, Police Station Dipika, Tahsil Katghora, District Korba, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through - Station House Officer, Police Station - Dipika, Tahsil - Katghora, District Korba, Chhattisgarh .

---- Respondent

For Applicant : Mr. Sudhir Kumar Bajpai with Mr. Q. Aziz,
Advocates.

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

07/10/2016

1. Apprehending arrest in connection with Crime No.64/2016 registered at Police Station Dipika, District Korba (C.G.) for the offence punishable under Sections 420, 467, 468, 471 of Indian Penal Code, 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 case, the applicant who is the owner of the Truck bearing No.C.G.12-S/1009, on the basis of forged invoice and bill, lifted the coal from the SECL with the connivance of the other co-accused.
3. Learned counsel for the applicant would submit that the coal auction was made, which was auctioned in favour of Indramani Minerals India Private Limited and the authorized lifter was Laxminarayan Thakur and the present applicant is the owner of the vehicle which was leased out by Laxminarayan Thakur. He further submits that on the basis of the invoice which was given by Laxminarayan Thakur, the coal was lifted and neither the applicant

was beneficiary nor has done anything with the coal. He further submits that only on the basis of the transport pass, the driver had lifted the coal, therefore, the applicant has not committed any offence and, as such, he may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. Perused the case diary and the statement of Laxminarayan Thakur wherein it is stated that 45 vehicles went inside the mines to load the coal and the vehicle was taken on rent. Taking into fact that the vehicle was taken on rent and the applicant is stated to be the owner of the vehicle who was not apprehended on the spot, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant.
6. Accordingly, the anticipatory bail application is allowed and 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, today.

Sd/-
(Goutam Bhaduri)
Judge

Ashok