

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 301 of 2017**

- Faizal Khan S/o Abdul Hanif Khan Aged About 27 Years R/o Azad Nagar Takhatpur, Police Station & Tahsil Takhatpur, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, Bilaspur, District Bilaspur, Chhattisgarh

---- Non-applicant**And****MCRCA No. 307 of 2017**

- Abdul Hanif Khan S/o Late Abdul Majid Khan, Aged About 52 Years R/o Azad Nagar, Takhatpur, District Bilaspur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Kota, District Bilaspur Chhattisgarh

---- Non-applicant

For Applicants:	Mr. Mateen Siddiqui, Advocate
For State:	Mr. U.K. S. Chandel and Mr. Ashok Swarnkar, Panel Lawyers

SB: Hon'ble Shri Justice P.Sam Koshy**Order On Board****09.05.2017**

1. Apprehending arrest in connection with Crime No.05/2017 registered at Police Station- Kota, District - Bilaspur, for offence punishable under Section 379 of the Indian Penal Code and 41(1-4) of the Cr.P.C., the Applicants have preferred these Applications for grant of anticipatory bail.
2. Case of the prosecution as available in the case diary is that the present Applicants are father and son who owned the Truck Tata 709

bearing Registration No. C.G. 10 C 7913. Allegation against the present Applicants is that when their driver namely Shatruhan Kenar was carrying scrap material from Ratanpur to Takhatpur, the Police authorities stopped the Vehicle and asked for producing the vouchers and receipts in respect of the scrap materials. On the driver expressing his inability to show the said documents, the present offence has been registered.

3. As per the prosecution case Faizal Khan is the scrap merchant and his father Abdul Hanif Khan is the original owner of the truck. The only allegations against the present Applicants is that the truck driver at the time of inspection could not produce relevant documents in respect of the purchase of the scrap. Apart from this, there is no other allegation made against the present Applicants.
4. Considering the total facts and circumstances of the case and also taking into consideration the fact that the prosecution has not been able to establish that the scrap which were found in the truck belonging to the present Applicants was either stolen property or there has been any complaint in respect of the articles found on the said truck. Under the given facts, prima facie a strong case for grant of anticipatory bail has been made out.
5. Accordingly, both the Applications under Section 438 of the Cr.P.C are allowed.
6. It is directed that in the event of arrest of the Applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

(i) that the applicants shall make themselves available for

interrogation before the investigating officer as and when required;

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

7. Certified copy as per rules.

Sd/-

(P. Sam Koshy)
JUDGE