

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 820 of 2017

- Santosh Kumar Agrawal S/o Late Shri Gauri Shankar Agrawal, Aged About 49 Years R/o Agroha Road, Korba, Tehsil And District Korba Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Collector, Police Station Kotwali, Korba District Korba Chhattisgarh

---- Respondent

For Applicants : Mr. Sumesh Bajaj, Advocate.
For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

28/11/2017

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.306/2017 registered at Police Station- Kotwali, District – Korba(C.G.), for the offence punishable under Sections 3/7, 8 of the Essential Commodities Act (for short 'EC Act') and Sections 406, 411, 109 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. On the alleged date of incident i.e. 13.5.2017, applicant had been out of station. It is admitted position that the Van bearing Registration No.CG-12E-0114 is owned by the applicant. On the date of incident, the said vehicle was intercepted by the police asking for the registration papers etc. and thereafter the

police has falsely implicated the applicant and his employees in the crime in question by showing recovery of two drums of kerosene oil from the said van. There is no evidence that kerosene oil was entrusted to the applicant or his employees or that the stolen kerosene oil was received by the applicant or his employees. Hence, the offence under Sections 406, 411 & 109 of IPC and Section 8 of the E.C. Act are not made out in any manner. In this situation, the applicant is entitled for grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that on the date of incident the vehicle belonging to the applicant was intercepted by the police of Police Station City Kotwali, Korba and on search being made, two drums of kerosene oil, which is to be distributed under the Public Distribution System, were seized from the said vehicle. As per the memorandum statement of co-accused persons, the said kerosene oil was transported under the instruction of the applicant himself. The person from whom said kerosene oil of PDS was purchased by the employees of the applicant has also been made accused in this case. It is further submitted that applicant had presented himself in the PS-Korba, District-Korba and although the offences are non-bailable in nature, but he has been released on bail by the police-station concerned. In these circumstances, no case is made out for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. Considering the facts of the case, as discussed above, the submissions made and looking to the contents of the case diary, I am of this view that this appears to be a fit case where the applicant

should be benefited with grant of anticipatory bail.

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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge