

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 1136 of 2016

Ganesh Kumar Gupta S/o Shri Ram Kishore Gupta Aged About 32 Years R/o Baikunthpur, District Korla, Chhattisgarh, Civil & Revenue District Korla, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh Through Incharge Out Post Basdeyi, Police Station Surajpur District Surajpur, Chhattisgarh.

---- Respondent

For applicant – Shri A.K. Prasad, Advocate.

For Respondent/State – Shri Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

4/01/2017

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 110/2016 registered at Police Station Out Post-Basdeyi, P.S. Surajpur, District Surajpur (C.G.) for offence punishable under Sections 407, 420, 467, 468, 471, 120B, 109, 34 of IPC (wrongly stated as 37).

2. As per the prosecution case, 400 bags of paddy were collected from Umapur, Sonpur and Patrapali which were to reach to Surajpur. They were collected by Sukhsai, Ajad Shekhar and Bajilal etc. They collected the paddy from different paddy centre and sold the same instead of sending it to Surajpur. While transporting the same truck of the applicant was being used. Thereby, it is alleged that the applicant has committed the offence. Therefore, he was in know of the fact and was party to the crime.

3. Learned counsel for the applicant submits that the applicant has sold the truck bearing number C.G. 15 ZC 0291 to Ajad Shekhar and others for Rs.2,80,000/-. Some part of the amount was paid, therefore the agreement was drawn and the truck remained in the name of the applicant. Further agreement was drawn after taking number of truck C.G. 15 ZC 0291 was changed to C.G. 15A 8757 which was stationery truck and offence was committed by other co-accused. It is further submitted that the applicant having sold the truck he has not committed any offence and it is case of the prosecution that other co-accused have purchased the said truck from the applicant, therefore the applicant has not committed any offence and he may be granted benefit of anticipatory bail.

4. Learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the case diary and the documents. As per memorandum of the other co-accused wherein it is stated that other co-accused is said to have purchased the truck from the applicant. Taking into such fact and the nature of allegation against the applicant, I am inclined to extend benefit of anticipatory bail 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 executing a personal bond in 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) 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.

Sd/-
(Goutam Bhaduri)
JUDGE