

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 9 of 2018**

Amit Agrawal, Son of Late Gopal Prasad Agrawal, Aged About 28 Years,
R/o. Main Road, Korba, Tahsil And District Korba, Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station -Kotwali, District- Korba,
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Parag Kotecha, Advocate
For Respondent/State	: Mr. Ashok Swarnakar, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/04/2018**

1. Apprehending arrest in connection with Crime No.306/2017, registered at Police Station – Kotwali, District – Korba for offence punishable under Section 406, 411, 109 of Indian Penal Code and Section 3, 7, 8 of the Essential Commodities Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. As alleged that two drums of kerosene oil was illegally lifted and transported from Ma Sarvamangla Prathmik Upbhokta Sahkari Bhandar Maryadit, which was seized by the police personnel of police station – Kotwali, District – Korba while in transit. Applicant, who happens to be the brother of President of that society has been held responsible only for this reason and no case is made out against

this applicant. Therefore, it is prayed that, the applicant may be benefited with grant of anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of anticipatory bail and the submission made in this respect. It is submitted that applicant himself was in the management of the said society, when the kerosene oil was illegally lifted for transport, hence no case is made out for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. According to the prosecution case, a Van bearing registration No.C.G.-12E-0114 was intercepted by the police personnel and two drums of kerosene oil was found being transported, which was seized. As the persons transporting had no paper to show the authority, hence, the kerosene oil was seized.
6. Considered the submissions made and the contents of the case diary. The investigation is yet to show the connection of this applicant with the kerosene oil seized. Taking into consideration such facts and considering the facts and circumstances of this case, this Court is of the opinion that it is a fit case, where the applicant should be extend the benefit of Section 438 of Cr.P.C.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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) 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 as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram