

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 782 of 2017**

- Satish Kumar Agrawal S/o Shri Bajrang Lal Agrawal, Aged About 50 Years, Proprietor Prateek Sales Associates, 3/B Hathkhoj Heavy Industrial Area, Near Kothari Chemicals, Bhilai, District Durg, R/o 44/E, E.W.S. Vaishali Nagar, Bhilai, O.P. Vaishali Nagar, P.S. Supela, District Durg Chhattisgarh. , Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Purani Bhilai, District Durg Chhattisgarh., Chhattisgarh

----Non-applicant

For Applicant : Shri Avinash K. Mishra, Advocate.

For Non-applicant/State : Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****25/01/2018**

1. Apprehending arrest in connection with Crime No.02/2017, registered at Police Station – Purani Bhilai, District Durg Chhattisgarh for offence punishable under Section 41(1+4) of the Cr.P.C. read with Section 379/34 of the IPC, 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 is innocent and has been falsely implicated. The applicant himself is a businessman and proprietor of Prateek Sales Associates which deals in purchase and sale of iron rods in a big scale. All the articles that have been recovered and seized by the police in the raid conducted, had been validly purchased by the applicant. A false claim has been raised by Bajrang Power and Ispat Ltd. by lodging FIR in P.S. Urla making statement that the product of the raid concerned was misappropriated by the transporter and it is alleged that the article seized from this applicant is a misappropriated property, which is totally baseless allegation. It is further

submitted that P.S. Urla has submitted closure report in the said FIR lodged by the Bajrang Power and Ispat Ltd.

It is further submitted that the property that was seized from the yard of this applicant is still in possession of this applicant on the basis of the order passed by the concerned Magistrate granting Supurdnama. Bajrang Power and Ispat Ltd. has filed a revision petition against the order passed by the concerned Magistrate, in which a report was called from the P.S. Purani Bhilai. Copy of the report is submitted in the additional documents, according to which the claim made by Bajrag Power and Ispat Ltd. has been found to be baseless. Hence, it is prayed that the applicant is entitled for grant of anticipatory bail.

3. Learned counsel for the non-applicant/State opposes the application and the submission made. However, he agrees that the report submitted by the P.S. Purani Bhilai to Additional Sessions Judge Durg makes a statement that claim of Bajrang Power and Ispat Ltd. has been found baseless in the enquiry conducted. It is further submitted that the co-accused in this case has given statement under section 27 of the Evidence Act against this applicant. Hence, he is not entitled for grant of anticipatory bail.

4. I have heard the learned counsel for the parties and perused the case diary.

5. Police Station Purani Bhilai raided the business premises of this applicant on 25-06-2017 and 290210 kg. Iron rods were seized from the said godown suspecting that to be stolen property. Co-accused Chain Singh has given statement in memorandum that the applicant deals in purchasing stolen property, because of which he has been made accused in this case.

6. Considered on the submissions made and contents of the case diary.

7. Taking into consideration the fact that the claim made by Bajrang Power and Ispat Ltd. has not found support in the enquiry conducted by the police and looking to the investigation so far conducted, I am of this view that the applicant deserves to be benefited with grant of anticipatory bail in the present matter.

8. Accordingly, the anticipatory bail application is allowed. 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.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge