

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 1020 of 2017

G. V. B. Bhushan Rao S/o Late G. Prasada Rao, Aged About 42 Years
R/o H. No. 639/4/ A , Balco Nagar, Korba, Police Station Korba
Kotwali, District Korba Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For applicant – Shri Abhinav Kardekar, Advocate.
For Respondent/State – Shri Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

25/01/2018

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No. 281/2017 registered at Police Station Korba Kotwali, District Korba (C.G.) for offence punishable under Sections 407, 420, 34 of IPC.
2. As per the prosecution case, FIR was lodged by one Kamal Agrawal on behalf of R.K. Transport and Construction Private Ltd. on the ground that they were transporting coal to the BALCO Plant and different trucks were deployed and during such course while transporting coal two trucks were diverted and the same state of affairs continued as such FIR was lodged to investigate the same. Therefore, on such report FIR was registered.
3. Learned counsel for the applicant submits that the applicant is the site In-charge of the SGS which is placed inside the plant of BALCO and their duty is to take sample of the coal to evaluate their quality. He further submits that coal after entering into main gate quality of the same was tested, as such if diversion of two trucks are made outside, then the applicant cannot be held responsible and the applicant has been called for more than 5 times for interrogation and thereby there is apprehension is in the mind of the applicant

that he may arrested unnecessarily. He submits that therefore the applicant may be granted benefit of anticipatory bail.

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

5. Perused the case diary. The applicant has not been named in the FIR. Also perused the memorandum of Ganesh Ram Mahilang. Considering the facts and documents and the role of 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 local 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
JUDGE

