

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 234 of 2018

- Shyamsunder Agrawal Rameshwar Das Agrawal Aged About 50 Years
R/o Ward No. 16, Sakti, Police Station And Tahsil Sakti, District Janjgir
Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Baradwar, District Janjgir Champa Chhattisgarh, District :
Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicant : Mr. Arvind Shrivastava and Mr. K.K. Pandey,
Advocate.
For Respondent/State : Mr. Ashok Swarnkar, Panel Lawyer.

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

11/04/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.329/2014 registered at Police Station-Baradwar, District – Janjgir-Champa(C.G.), for the offence punishable under Sections 407, 411/34 & 420 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. Charge-sheet has been filed against the co-accused persons whereas the investigation has been kept pending against this applicant without any reason. The alleged commission of offence that

has taken place in the premises is though owned by this applicant but the same had been rented out to Rajesh Verma and Navneet Paleria from 1.11.2014 and all the business was run by those two persons, with which this applicant had no connection. The respondent has still not made clear the intention of proceeding against this applicant till date whereas the trial of the case against the co-accused person has proceeded before the trial Court, hence, it is prayed that applicant be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant had been the licency for doing the business of coal, according to which he was authorized to keep and store upto 5000 metric tonne coal, although the agreement shows that the place was leased out to Rajesh Verma and Navneet Paleria but it is made out that both of them were doing business on behalf of this applicant, have the investigation against this applicant is still pending, thus, no case is made out for grant of bail.
4. Heard both the parties and perused the case diary.
5. On 18.11.2014 a raid was conducted by police personnel of PS-Baradwar in the premises belonging of this applicant which was used as Coal Depot. Co-accused Vishnu, Prabhat Kumar, Rajesh Verma and Navneet Paleria were present on the spot and all of them were found misappropriating the coal that was found to be transported to Raigarh Ispat and Power Pvt. Ltd from SECL, Kusmunda, on that basis the offence was registered against the co-accused persons.
6. Considered on all the material present in the case diary, it is clear that the charge-sheet against the co-accused persons has already been

filed but so far no decision for prosecution of this against this applicant has been taken and then the investigation is kept pending only for the reason that this applicant is having licence for storage of coal. Hence, for the present, I am of this opinion that applicant should be granted anticipatory bail.

7. 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