

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2309 of 2018

1. Sanjay Mittal S/o Satyanarayan Mittal, Aged About 48 Years, Occupation- Business, R/o- Agrasen Ward Kharsiya Road, P.S. and Tahsil Ambikapur, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Outpost Raghunathpur, P.S. Lundra, District- Surguja, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Non-applicant

MCRC No. 2315 of 2018

1. Mithlesh Pandey S/o Late Narad Pandey, Aged About 38 Years, R/o Shivpur Kadhi Gadwa, Jharkhand, Presently R/o- Batwahi, P.S. Lundra, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
2. Anjani Kumar Patel S/o Harishankar Prasad Patel, Aged About 45 Years, Occupation Driver, R/o- Biyur, P.S. Dudghi, (U.P.), Uttar Pradesh
3. Chandeshwar Singh Paikra S/o Ranthu Singh Paikra, Aged About 26 Years, Occupation- Driver, R/o- Village Poksari, P.S.- Batauli, District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh
4. Majid S/o Mohd. Ashif, Aged About 26 Years, Occupation- Driver, R/o- Gursa Mahadan, P.S. Paki Palamu (Jharkhand), District : Palamu, Jharkhand

---- Applicants

Versus

- State Of Chhattisgarh Through- Police Chowki Raghunathpur, Police Station Lundra District- Surguja, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Non-applicant

For Applicant(s) – Shri Manish Dutt, Senior Advocate with Shri Mateen Siddiqui, Advocate (in MCRC No.2309/2018),
Shri Shakti Raj Sinha, Advocate (in MCRC No.2315/2018).
For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-04-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.41/2018, registered at Police Chowki Raghunathpur, Police Station Lundra District - Surguja, Chhattisgarh for the offence under Section 407, 408,

420, 381, 120(B), 34 of the IPC, they are being decided by this common order.

2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court filed by the applicants for grant of regular bail.

3. It is submitted on behalf of the applicants in both the cases that the applicants have been falsely implicated in this case. They were arrested on 06-03-2018 and they are in jail since 07-03-2018. No case is made out against these applicants on the basis of the material in the case against them as it is alleged that applicants have misappropriated, committed breach of trust.

4. It is submitted on behalf of applicant Sanjay Mittal in MCRC No.2309/2018 that he is a partner in M/s Hind Unitrade Pvt. Ltd. and this concern had purchased 18000 metric ton of coal from SECL Mahan-2 Bhatgaon, for which, the delivery order was issued in favour of Hind Unitrade Pvt. Ltd. and on that basis the coal was lifted from the mines and it was being transported on the basis of the transport permit. Three trucks with load of coal started for destination Kyojhar, but during transit they stopped in the coal depot where police personnel of Police Chowki Raghunathpur arrived on the spot and made seizure of the trucks along with the load of coal without any basis. It is submitted that the allegation has been made, that instead of coal of higher grade that was obtained from the mines, substandard coal was being transported to the consignee and in that respect the sample of the seized coal was sent for chemical analysis and the report that has been received from the General Manager, SECL Bhatgaon Kshetra, discloses that the coal is of G-7/8 standard which was sold in the auction and the same was ordered by the consignee. Hence, it is prayed that this applicant may be released on bail.

5. As regards applicants Mithlesh Pandey, Anjani Kumar Patel, Chandeshwar Singh Paikra and Majid in MCRC No.2315/2018, it is submitted that no case is made out against them. Applicants No.2, 3 and 4 are drivers of

the said trucks who were working on the instructions of applicant No.1 who worked as Munshi of the Hind Unitrade Pvt. Ltd. Hence, there is no such material to substantiate that any offence has been committed. Therefore, it is prayed these applicants may be released on bail.

6. Learned counsel for the State/non-applicant opposes the applications and submits that one of the witnesses has made clear statement that the trucks departed from the coal mines were stopped in the said depot for the purpose of substituting the coal of higher grade to the coal of lower grade for transportation to the consignee. Hence, no case is made out for grant of bail.

7. Heard learned counsel for the parties and perused the case diary.

8. On 06-03-2018 police personnel of Police Chowki Raghunathpur, P.S. Lundra, District Surguja raided the premises of coal depot situated in Village Batwahi, P.S. Lundra, District Surguja and three trucks that were loaded with coal were seized by them. During investigation, some witnesses have stated that the load of coal was brought to the depot for the purpose of replacing the coal of higher grade to the coal of lower grade to send the same to the consignee.

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

10. Considering on the entire material that is present in the case diary and the fact that though the investigation is still pending, but there is no such requirement of custodial interrogation to be made and also on the basis of submissions made and looking to the progress of the investigation made so far, I am of this view that both these applications filed by the applicants for grant of regular bail deserve to be allowed.

11. Consequently, both these applications filed by the applicants under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail on each of them

furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

12. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil