

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 531 of 2018

- Vinod Agrawal S/o Rameshwar Das Agrawal Aged About 47 Years R/o- Near Bus Stand, Maya Lodge Ambikapur, 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 : Surguja (Ambikapur), Chhattisgarh

---- Respondent

MCRCA No. 530 of 2018

- Mohammad Gulzar S/o Mohammad Gulab Aged About 30 Years R/o- Village Jarhi, P.S. Bhatgaon, District- Surajpur, Chhattisgarh., District : Surajpur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

MCRCA No. 534 of 2018

- Varun Tiwari S/o Krishna Kumar Tiwari Aged About 35 Years R/o- Namnakala, P.S. Gandhi Nagar 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 : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicants : Mr. Mateen Siddiqui, Advocate in MCRC
No.531/2018 & 534/2018.
Mr. Jitendra Shrivastava and Mr. Ashutosh Mishra,
Advocates in MCRC No.530/2018.
For Respondent/State: Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/06/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in all the cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.41/2018 registered at Police Station-Lundra, District – Surguja(C.G.), for the offence punishable under Sections 407, 408, 420, 381 & 120-B read with Section 34 of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicant Vinod Agrawal is a Director of Hind Unitrade Pvt. Ltd., applicant Varun Tiwari is the Manager employed by him, whereas applicant Md. Gulzar is Lifter engaged in trading of coal. A false allegation has been levelled by PS-Lundra against these applicants that they are engaged in the work of mixing sub-standard coal with the quality coal obtained from Mahan mines, SECL and making the sale of the same, which is totally

baseless as the test report given by the General Manager (Operation), Bhatgaon, regarding the coal seized from the depot of these applicants states about ROM was of G7/G8 grade, which is not a sub-standard coal, therefore, the case is totally misconceived. Hence, it is prayed that they may be released on anticipatory bail.

4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that according to the evidence present in the case diary, the coal was loaded in the trucks to be delivered at the destination i.e. at Kyujhar (Odisha). However, the said coal was brought to the depot of these applicants for the purpose of mixing with sub-standard coal and at that time raid was conducted by PS-Lundra, in which, all the applicants have been found engaged in the mixing work. Hence, no case is made out for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. FIR has been lodged by Head Constable of PS-Lundra that on the basis of secret information received that the trucks loaded with coal coming out from the mines of SECL are diverted to the coal depot of these applicants for mixing sub-standard coal in the coal loaded in those trucks. On receipt of such information, a raid was conducted in the coal depot of these applicants and the coal that was found in the depot and the trucks were seized. Hence, this case.
7. From perusal of the investigation made so far, it is clear that there is no substance in the allegation levelled against these applicants for the reasons that firstly there is no report of laboratory showing mixing of sub-standard coal in the coal obtained from the mines of SECL and secondly, no complaint whatsoever has been lodged either by the

authorities of SECL or the persons to whom the consignment of coal was being transported. In these circumstances, I am of this view that all the applicants deserve to be released on anticipatory bail.

8. Accordingly, the anticipatory bail applications of applicants are allowed and it is directed that in the event of their arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :-

- (i) that the applicants shall make herself available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge