

**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case (A) No. 526 of 2018**

Sunil Gupta, S/o late Shri Shivnandan Prasad Gupta, aged about 55 years, R/o Near Teen Darshan Mandir, Camp 1, Bhilai, Distt. Durg (CG).

-----Applicant

**Versus**

State of Chhattisgarh Through Police Station Supela, District Durg (CG).

---- Respondent

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| For Applicant  | : | Shri Maneesh Sharma, Advocate.      |
| For Respondent | : | Shri Ashutosh Pandey, Panel Lawyer. |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order On Board**

**18/07/2018**

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.276 of 2018 registered at Police Station Supela, Distt. Durg, for the offence punishable under Section 420/34 IPC and Sections 3 & 7 of the Essential Commodities Act.
2. The allegation against the applicant as per prosecution is that, the applicant is a Transporter and is owner of Tanker truck which are used for transportation of petroleum product of Bharat Petroleum Corporation Ltd.. It is alleged that in the intervening night of 19-20 March, 2018 the driver of Tanker namely Sohan Singh and Conductor Kunj Bihari were caught red handed of syphoning Kerosene from the Tanker of the applicant and later on it was found that the said Tanker had a deficit of 178 liters of Kerosene from the quantity which was

loaded at the Bharat Petroleum Corporation Ltd. Depot. During the course of interrogation, the accused Sohan is said to have made a statement that they were committing theft at the instance of the present applicant-the owner of the Tanker.

3. According to the counsel for the applicant, except for the allegation of applicant being vicariously liable for the offence, there is no material collected by the prosecution to implicate the present applicant for the offence under Sections 420/34 and 120-B IPC and Sections 3 & 7 of the Essential Commodities Act.
4. Counsel for the State however opposes the bail application on the ground that it was the present applicant's Tanker which was being used for transportation of the petroleum product and it was the staff of the applicant who were caught red handed who have made a statement of having committed offence at the instance of the applicant.
5. Having heard learned counsel for the parties and on perusal of records, this court is of the opinion that the present applicant appears to have been made accused only on the memorandum statement of the co-accused Sohan Singh. Apart from this, there is no other material available in the case diary. Moreover, from the record it appears that while executing contract with the Bharat Petroleum Corporation Ltd. the applicant himself has given a guarantee for an amount of Rs.2,00,000/- for the loss, if any, caused so far as shortfall of the petroleum product which is transported from the depot on the vehicle of the applicant.
6. Given the aforesaid facts and circumstances of the case, this court is

of the view that it is a fit case to grant anticipatory bail to the applicant. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

1. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
  2. The accused/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;
  3. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
  4. 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.
7. Certified copy, as per rules.

Sd/-  
(P. Sam Koshy)  
**Judge**