

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 741 of 2017**

- Afzal Hussain Khan S/o Late Islam Khan, Aged About 75 Years R/o Plot No. 9, Kalhar, Tehsil Bhiwandi, District Thane, Maharashtra

----Applicant

Versus

- State of Chhattisgarh Through Police Station Mahasamund, District Mahasamund, Chhattisgarh

---- Respondent

For Applicant	:	Ms. Raashi Tiwari, Advocate
For Respondent-State	:	Shri Ashish Shukla, Dy. AG for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****25/01/2018**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant apprehending his arrest in connection with Crime No. 195/2015 registered at Police Station Mahasamund, Distt. Mahasamund for the offence punishable under Sections 420, 409, 411, 379, 467, 468, 471, 34 I.P.C.
2. As per the prosecution case, a charge-sheet was filed under Sections 409, 420, 467, 468, 471 & 120-B of the I.P.C. on the ground that the furnace oil was purchased by Jindal Steel and Power Limited from Hindustan Petroleum Corporation Limited, Mandir Hasoud, which was to be transported to Zindals Power Plant at Raigarh. The Tanker through which furnace oil was being transported was diverted on the road and it was sold out to other persons and some other oil was mixed in the

furnace oil. The present applicant is the owner of the Ruby Enterprises, Mandir Hasoud, whose trucks were engaged in the work of said transportation of the oil.

3. Learned counsel for the applicant would submit that the applicant was placed at Mumbai and he has no control over the trucks, therefore, no offence has been committed by the applicant and he may be granted benefit of anticipatory bail.
4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have perused the case-diary, which shows that the charge-sheet in this case has been filed on 23.07.2015 and the applicant appears to be still absconding. Considering the facts of this case, I am not inclined to grant benefit of anticipatory bail to the applicant. Accordingly, the anticipatory bail application is dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu