

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1016 of 2018

- Ganesh Ram Chandra S/o Bhola Ram Chandra Aged About 48 Years
Occupation Agriculturist, R/o Village Jetha, P. S. Baradwar, Tahsil
Sakti, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa,
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Collector/district Magistrate
Baradwar, District Janjgir Champa Chhattisgarh, District : Janjgir-
Champa, Chhattisgarh

---- Respondent

For Applicant : Mrs. Hamida Siddiqui, Advocate.
For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/09/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.347/2014 registered at Police Station- Baradwar, District – Janjgir-Champa(C.G.), for the offence punishable under Sections 407, 411, 420, 34 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for the applicant submits, that applicant is innocent and has been falsely implicated in the crime in question. This applicant is the licensed trader of coal regarding which Annexure-A2 is attached with the application. The applicant has no connection with the offence

that has been committed in this case, as he was not present on the spot and, further, the applicant had let out the coal depot to co-accused Pradeep Kumar vide *Kirayanama* dated 9.10.2013. Copy of that *Kirayanama* has also attached with application. Similarly placed other co-accused persons have been granted anticipatory as well as regular bail, hence, it is prayed that he may also be benefited with grant of anticipatory bail.

3. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that this applicant happens to be the main accused in this case and by whose connivance, the co-accused have committed the offence of defalcation of coal. Hence, the application be rejected.
4. Heard both the parties and perused the case diary.
5. The allegation against this applicant and the co-accused persons is this, that in the coal depot belonging to this applicant the other co-accused persons had unloaded the load of coal that was being transporting from the coal mines and instead they loaded sub-standard coal for transporting to the destination. FIR has been lodged by a police officials and not by other aggrieved person.
6. After considering the entire material present in the case diary, I am of this view that this is a fit case where the applicant should be benefited with grant of anticipatory bail.
7. Accordingly, the anticipatory bail application of applicant 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/- each 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 him by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha