

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 304 of 2017**

Ravindra Tiwari, S/o. Ramadhar Tiwari, Aged About 38 Years, Occupation -Business, R/o. Near Navapara Church, Police Station -Gandhi Nagar Ambikapur, District -Sarguja, Chhattisgarh.

----Applicant

Versus

State of Chhattisgarh, Through : Police Station, Katghora, District- Korba, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Sharmila Singhai & Mr. Sanjay Agrawal, Advocates
For Respondent/State	: Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**24/01/2018**

1. Apprehending arrest in connection with Crime No.48/2014, registered at Police Station – Katghora, District – Korba (C.G.) for offence punishable under Section 420, 467, 468, 471/34 of the Indian Penal Code and Section 21 of Mining Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case, only for the reason that pit-pass was seized from the driver of truck belonging to Imtiaz Ali, showing the authorization of transporting of coal and it is alleged that the said pit-pass is forged. No offence is made out against this applicant on the basis of the material on record of the

case against him. Charge-sheet has been filed after completion of investigation and there is no requirement for any custodial interrogation or any further investigation. It is further submitted that co-accused persons in this case have been enlarged on bail, hence, it is prayed that the applicant be released on bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that the applicant was the person, who provided the driver of the said truck with forged pass. The said pit-pass was intended for transport in the year 2012, which was being used in the year 2014. This was misuse of the said documents and theft of royalty, hence, no case is made out in favour of the applicant for grant of anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents.
5. The case against the applicant is this that on 24.01.2014, coal was being transported from coal depot of this applicant to Kharora. During checking for royalty in mining Naka at Katghora, having doubt about the royalty slip, the same was sent for verification. The mining department Balrampur reported that serial number entered in the royalty slip (pit-pass) was differently printed than in the original and it was also not signed by the employee of the mining department because of which, the case of illegal transporting has been made against this applicant and others.
6. It is further submitted by the learned counsel for the applicant, that no difference has been found in the serial number and only for the reason that print is different, no case is made out that the

documents was forged and the pit-pass was valid for transporting between 2012 to 2014.

7. Considered the submissions made and the contents of the case diary. Considering the facts and circumstances of the case and further looking to the fact that charge-sheet has already been filed and there is no need for custodial interrogation of this applicant, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. 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 executing a personal bond in sum of Rs.25,000/- 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram