

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1073 of 2018

1. Sanjay Bhattar S/o Narayan Prasad Bhattar, Aged About 49 Years, R/o- Gudhiyari, Police Station Gudhiyari, Raipur, Tahsil & District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station Dharsiwa, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

MCRC No. 6130 of 2018

1. Shailendra Agrawal @ Banti S/o Late Anand Ram Agrawal, Aged About 29 Years, R/o Shakti Ward, Bhatapara, Police Station- Bhatapara, District Baloda Bazar, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Dharsiva, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Non-applicant

For Applicant – Shri B.D.Guru, Advocate (in MCRCA No.1073/2018).

Shri Rajeev Shrivastava, Advocate (in MCRC No.6130/2018).

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

Dr. Sourabh Kumar Pande, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

25-09-2018

1. As both these applications arise out of the same crime number, i.e., Crime No.231/2018 registered at Police Station - Dharsiwa, District Raipur, they are being decided by this common order.

2. MCRC No.1073 of 2018 has been filed by applicant Sanjay Bhattar for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending arrest in connection with aforesaid crime number for offence under Section 420, 406, 409, 411 & 201 of the IPC and MCRC No.6130 of 2018 has been filed by applicant Shailendra Agrawal @ Banti for grant of

regular bail under Section 439 of the Cr.P.C. as he has been arrested on 10-06-2018 in connection with aforesaid crime number for the offence under Section 420, 406 of the IPC.

3. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against them. All the sale transactions that has been made in this case had been at the behest of the complainant himself as the complainant wants to avoid payment of taxes of GST hence he has come up with a false story against the applicants. Hence, no case is made out against these applicants. Therefore, it is prayed that applicant Sanjay Bhattar (applicant in MCRC No.1073 of 2018) may be benefited with grant of anticipatory bail and applicant Shailendra Agrawal @ Banti (applicant in MCRC No.6130 of 2018) may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications.

5. Learned counsel for the objector after adopting the argument advanced by the State counsel submits that looking to the involvement of the applicants in the offence committed in this case, the applications may be rejected.

6. Heard learned counsel for the parties and perused the case diary.

7. Complainant Shivshanker Agrawal has lodged the FIR alleging that his firm had kept stock of raisin and cumin in Siddhivinayak Cold Storage, Raipur where applicant Shailendra Agrawal @ Banti (applicant in MCRC No.6130 of 2018) was In-charge of that stock in the cold storage on behalf of the complainant. The complainant was informed by the owner of the cold storage that applicant Shailendra Agrawal @ Banti has sold 24000 kg. raisins and 2000 kg. of cumin to various firms between 05-04-2018 to 25-05-2018, regarding which the complainant had no intimation. After lodging of the FIR on the information given by the complainant, it was revealed that applicant Shailendra Agrawal @ Banti sold it to one B. K. Enterprises of which applicant

Sanjay Bhattar (applicant in MCRCA No.1073 of 2018) is one of the partners. Hence, this case.

8. Applicant Shailendra Agrawal @ Banti (applicant in MCRC No.6130 of 2018) was employed as salesman of the complainant and given responsibility to make sale of the articles stocked in the cold storage. As per the allegation in the case, applicant Shailendra Agrawal @ Banti has sold the raisin and cumin of worth Rs.50 lakhs at a price of only 34 lakhs to applicant Sanjay Bhattar (applicant in MCRCA No.1073 of 2018) and has misappropriated all the amount received.

9. Hence, after due consideration on the material present in the case diary, I do not feel inclined to grant regular bail to applicant Shailendra Agrawal @ Banti (applicant in MCRC No.6130 of 2018). Consequently, the application (MCRC No.6130 of 2018) filed by applicant Shailendra Agrawal @ Banti for grant of regular bail is rejected.

10. With respect to applicant Sanjay Bhattar (applicant in MCRCA No.1073 of 2018), it appears that he has paid the price of the articles purchased by him to the co-accused person, hence, after due consideration, I feel inclined to grant anticipatory bail to applicant Sanjay Bhattar (applicant in MCRCA No.1073 of 2018). Accordingly, the anticipatory bail application (MCRCA No.1073 of 2018) filed by applicant Sanjay Bhattar is allowed. It is directed that in the event of arrest of applicant Sanjay Bhattar (applicant in MCRCA No.1073 of 2018) 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. This applicant shall also abide by the following conditions :

- (i) that he shall make himself available for interrogation before the investigating officer as and when required;

- (ii) that he 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 he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

11. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge