

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1416 of 2018**

Anand Chandra Pandey Uraf Nandu, S/o. Late Shri Ramsajeevan Pandey, Aged About 52 Years, Occupation -Business, R/o. Yadunandan Nagar, Tifra, Maharana Pratap Gaur Colony, House No. 325, Ward No. 1, Police Station Sirgitti, Bilaspur District Bilaspur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Bhatapara City, District Baloda Bazar-Bhatapara Chhattisgarh.

---- Respondent

For Applicant : Mr. Uttam Pandey, Advocate
For Respondent/State : Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****13/11/2018**

1. Apprehending arrest in connection with Crime No.196/2018, registered at Police Station – Bhatapara City, District – Balodabazar – Bhatapara (C.G.) for offence punishable under Section 407 read with Section 34 of the Indian Penal Code, 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. The applicant is although associates of Sanit Kumar Pandey, but he is not involved in the said misappropriation of the goods entrusted by the complainant. In fact, the misappropriation of the goods transported

has been done by the driver of the said truck, which is revealed from the evidence on record. Therefore, it is prayed the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that according to the FIR lodged and the charge-sheet filed in this case, there is clear allegation against this applicant as being one of the person, who has misappropriated the transported goods. Hence, he is not entitled to be released on anticipatory bail.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. On 26.07.2018, complainant Sanjay Agrawal dispatched pulse of value of Rs.5,58,800/- in a truck bearing fake registration No. OD-19-B-1359, who never reached to the destination. Thereafter, the complainant has lodged FIR alleging that this applicant being a transporter with other co-accused has misappropriated the goods entrusted to him. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After going through the evidence present in the case diary, it appears that the allegation is mainly against the driver of the said truck, this applicant and the co-accused Sanit Kumar Pandey were facilitator in providing the said truck, which did not belong to them. Hence, after due consideration, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.

8. 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