

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 493 of 2019**

Vijay Singh S/o Balmik Singh, Aged About 42 Years R/o Sukhdas, Police Station Indwar Tahsil Manpur, District Umaria (M.P.), District : Umaria *, Madhya Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station - Hirri, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Goutam Khetrapal, Advocate.
For the Respondent/State : Shri Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****10.04.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 290 of 2018, registered at Police Station Hirri, District Bilaspur, Chhattisgarh for the offence punishable under Sections 407 and 411/ 34 of the Indian Penal Code.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The

only statement available against this applicant is that co-accused – Munshi Mukesh Das has made a statement that he was making purchase of misappropriated coal at the instance of this applicant. This applicant has no connection with the alleged commission of offence committed in the Cold Storage Depot. Hence, it is prayed that the applicant be enlarged on anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant is a partner of the licensed Coal Storage Depot. According to the statement given by licensee - Mohammad Shamim, therefore, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. Complainant – Suryaraj Yadav is the Security Officer of Godawari Power and Ispat Limited, Siltara, Raipur. On the basis of an information received, he visited Omi Sales Corporation Coal Depot, where he found two trucks parked, out of which one of the trucks was unloaded in the coal depot. In the said depot, the person present, co-accused – Munshi Mukesh Das informed him that he was making the purchase of the said coal on the basis of the instructions given by this applicant.

7. The applicant was not present on the spot when the said coal was misappropriated and unloaded in the yard. This applicant was the partner of the said licensed depot is only a statement made by the person licensed and

there is no document in this regard. Hence, after due consideration, I feel inclined to grant anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application 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 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 them 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