

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 530 of 2019**

Sumit Kumar Singh, S/o. Shri Suresh Singh, Aged About 27 Years, R/o. Parwati Nagar, Gudhiyari, P.S. Gudhyari, Tahsil And District- Raipur, Chhattisgarh.

----Applicant***Versus***

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

---- Respondent

For Applicant	: Mr. D.K. Gwalre, Advocate & Mr. Satish Gupta, Advocate
For Respondent	: Mr. Arun Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****15/04/2019**

1. Apprehending arrest in connection with Crime No.480/2018, registered at Police Station – Dharsiwa, District – Raipur (C.G.) for offence punishable under Section 420, 407, 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. No case is made out against the applicant on the basis of the material present in the case diary. The applicant is incharge of weighbridge of S.K.S. Ispat Power Limited, he had been performing his duties with utmost dedication and honesty. Weigh slip he had issued were correct as it was on that basis, shortage in coal has been found, therefore, his implication in this case is totally false and baseless. Therefore, it is prayed that the applicant be granted 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 weigh slips issued coal were dispatched from Deepika coal mines to SKS Ispat Power Limited, Raipur through K.D. Transport. Shortage of coal has been found in SKS Ispat which the applicant has involvement. Therefore, 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 perusal of the copy of the weigh slip of date of incident i.e. 05.11.2018 as attached as Annexure A-2 and A-3 compared with weigh slip of K.D. Transport attached as Annexure A-4 and A-5, it is very clear that on the basis of these weigh slips, shortage in supply has been found and in what manner, this applicant is involved in this case is yet to be investigated, hence for the present this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
6. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
7. 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