

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 584 of 2019

- Jogiender Singh @ Jogendra Singh S/o Pradeep Singh Aged About 19 Years R/o Ward No. 19 Clubpara, Mahasamund, Tahsil And District Mahasamund Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Punjipathra, Raigarh District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate.

For Respondent : Mr. Arun Shukla, Govt Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

29/04/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.24/2015 registered at Police Station- Punjipathra, Raigarh, District-Raigarh (C.G.), for the offence punishable under Sections 420, 467, 468 & 471 of the Indian Penal Code.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The applicant was granted license for storage of coal for the period from 17.6.2014 to 16.6.2017. As the applicant himself could not manage business of coal storage, he handed over the coal storage

depot to one Mukesh Kumar Singh by entering into an agreement with him on 1st January, 2015. A copy of agreement is filed along with this application. It is submitted that after handing over of coal depot, all the business were managed by Mukesh Kumar Singh in which this applicant had no interference. When the complainant received notice from the office of Collector (Mining Branch) Raigarh, he submitted his explanation that he had rented-out the storage depot to Mukesh Kumar Singh, therefore, he has no responsibility. Thereafter, the police inquired as to whether letting of storage depot under mining license was permissible or not and ultimately the license granted to the applicant was cancelled on 12.6.2015. It is thus clear that the applicant can be held guilty only for not following the rules and regulations and not for commission of any offence as alleged. Hence, it is prayed that he may be granted anticipatory bail.

3. Learned State Counsel opposes bail application and submissions made in this respect. It is submitted that this applicant has played active role in illegal transportation of coal by making use of forged transport permits, therefore, he is not entitled for anticipatory bail.
4. Heard both the parties and perused the case diary.
5. As per prosecution case, one temporary storage license was granted to M/s J.S. Minerals for the period from 17.6.2014 to 16.6.2017. The Mining Department discovered that the said coal depot was engaged in illegal transportation of about 1100 tonnes of coal on the basis of forged transit passes, therefore, case has been registered.
6. After considering on the entire material present in the case diary and the fact that the police made an inquiry about letting out of said coal depot by this applicant to Mukesh Kumar Singh, which shows that the

statement made by the applicant has some substance, therefore, after due consideration, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge