

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 686 of 2019

- Pradeep Kumar Yadav, S/o Shri Phoolsai Yadav, Aged About 32 Years
Occupation Business, R/o Telepara Exchange Sakti, Raigarh, Police
Station Sakti, District-Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer Of The Police
Station Kotraroad, District Raigarh Chhattisgarh., District : Raigarh,
Chhattisgarh

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate.
For Respondent/State : Mr. I. Lakra, Dy. Govt. Advocate.

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

14/05/2019

1. This is 2nd bail application of this applicant for grant of anticipatory bail.
His first application MCRC(A) No.1649 of 2018 was dismissed as
withdrawn vide order dated 14.12.2018 with a direction to the Court
below to consider and decide regular bail application of this applicant
preferably on the same day on which he surrenders before the said
Court.
2. The applicant has preferred this bail application under Section 438 of
Cr.P.C. apprehending his arrest in connection with Crime No.294/2018

registered at Police Station-Kotra Road, District – Raigarh(C.G.), for the offence punishable under Sections 406, 420 of the Indian Penal Code.

3. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against the applicant. Only evidence against applicant is memorandum statement given by co-accused which is not a legally admissible evidence. No seizure has been made in this case at the instance of this applicant and also there is no evidence on record to show that the petitioner was managing said coal depot where the offence is alleged to have taken place. The only statement of co-accused that is available is this that applicant gave instructions by phone call to the other accused persons. The police had opportunity to make an inquiry and find out whether such phone calls were made for which the arrest and detention of this applicant was not required but till date no such investigation has been done, therefore, there is no requirement of any custodial interrogation in this case, hence, it is prayed that he may be granted anticipatory bail.
4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is statement given by co-accused persons, that they had committed theft and adulteration of coal at the instance of this applicant, therefore, his custodial interrogation is necessary, hence, his application be rejected.
5. Heard both the parties and perused the case diary.
6. According to prosecution case, 3 truck loads of coal were depot from Dipika Coal Mines for Jindal Steel Plant. When the truck loads arrived in Jindal Steel Plant, the load of coal was found to be mixed and

adultery. When complainant Sameer Khan inquired from the drivers of said trucks, they informed him that they had unloaded part of coal load in the plot of applicant on his asking and promise that they will be paid Rs.7,000/- for every such unloading. Hence, this case.

7. After considering on the entire material present in the case diary and looking to this fact that the investigation against this applicant is still incomplete because of his unavailability, therefore, I am not inclined to allow this application.
8. Accordingly, the anticipatory bail application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha