

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 656 of 2019

- Mukesh Kumar Kashyap S/o Manharan Lal Kashyap Aged About 26 Years R/o Village Haranmudi, Police Station Pali, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Kusmunda, District- Korba, Chhattisgarh., District : Korba, Chhattisgarh

---- Respondent

For Applicant : Mr. Nitesh Shriwas, Advocate.
For Respondent/State : Mr. H.S. Ahluwalia, Dy. Adv. General.

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

07/05/2019

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.50/2019 registered at Police Station-Kusmunda, District-Korba(C.G.), for the offence punishable under Sections 407, 120B, 411 read with section 34 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. It is submitted that the applicant is employed in a coal washery as weigh bridge clerk and the only work assigned to him was to weigh the coal brought in the washery and he was never engaged in the said theft or adulteration of coal, as alleged. Co-accused, who has been arrested in this case, has been granted bail by the Court below,

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 the applicant had full knowledge about the commission of offence in question as the entire work was being carried out in the coal washery under his supervision. Therefore, he is not entitled for grant of anticipatory bail.
4. Heard both the parties and perused the case diary.
5. According to FIR lodged, complainant Karan Deep Singh, owner of truck, lodged FIR stating that about 29 ton of coal was loaded in the truck for delivery to its consignee, however, driver of said truck namely Chhotelal sold 5 tonnes of coal, out of aforesaid coal, to co-accused Jagendra Kashyap, proprietor of a Weigh Bridge, where this applicant is working as a Clerk. Hence this case.
6. Considering the nature of allegation levelled against this applicant and further considering the fact that he is neither a negotiator nor party to purchase of coal, therefore, I am inclined to allow bail application of this applicant.
7. 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 his executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha