

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 635 of 2019

- Basant Agrawal S/o Late Hetram Agrawal, Aged About 53 Years R/o Baradwar, Police-Station-Baradwar, Tehsil-Sakti, District-Janjgir-Champa, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police-Station Sakti, District-Janjgir- Champa, Chhattisgarh.

---- Respondent

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MCRCA No. 680 of 2019

- Prakash Suryawanshi, S/o Maharathi Suryawanshi, Aged About 40 Years, R/o Muktaraja, PS-Baradwar, District-Janjgir-Champa Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Sakti, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent -

For Applicants	:	Mrs. Madhunisha Singh, Advocate in MCRCA No.635/2019 & Mr. K.K. Patel, Advocate in MCRCA No.680/2019.
For Respondent/State	:	Mr. Samdarsh Nirankari, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/05/2019

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in both the cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection

with Crime No.149/2019 registered at Police Station-Sakti, District – Janjgir-Champa(C.G.), for the offence punishable under Sections 420, 34 of the Indian Penal Code.

3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. Applicant Basant Agrawal is the owner of truck bearing Registration No.CG-04/JA/9821 and applicant Prakash Suryawanshi is the driver of the same truck. The allegation made in the FIR lodged is totally false against these applicants. The applicants are transporter and they were working on the instructions of the rice mill owner and they have not committed the offence as alleged against them. The main accused in this case Gourishankar Agrawal has been granted anticipatory bail by this Court in MCRCA No.575 of 2019 vide order dated 22.4.2019, therefore, these applicants be granted anticipatory bail.
4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that it is a case of double delivery of paddy on the basis of one transport permit which was issued by the concern Paddy Collection Centre, therefore, it is clear cut case of cheating, in which, these applicants are also involved, therefore, they are not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. According to the prosecution case, one truck paddy was dispatched on the transport permit which was issued by the Paddy Collection Centre at Sakti. Similarly another truck was also dispatched from the same centre which was caught and seized by the Revenue Officer and found that the same transport permit was used for the said transportation. Hence, this case.

7. On perusal of the case diary, it has appeared on verification made by District Marketing Officer, District-Janjgir-Champa, no shortage of gunny bags was found in the said Paddy Collection Centre. Apart from that the main accused in this case namely Gourishankar Agrawal has been granted anticipatory bail, for this reason, I feel inclined to allow the applications of these applicants.
8. Accordingly, the anticipatory bail applications of applicants are allowed and it is directed that in the event of their arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each 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 applicants shall make themselves available for interrogation before the investigating officer as and when required;
 - (ii) that the applicants 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 applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge