

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 878 of 2019

- Ashish Soni S/o Shri Dhruv Prasad Soni, Aged About 32 Years, R/o Ward No.10, Ramanujganj, Tahsil and Police Station- Ramanujganj, District- Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Police Station- Pungipathara, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Dheerendra Pandey, Advocate.

For Non-applicant/State – Shri Arun Shukla, Govt. Advocate.

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

26-06-2019

1. Apprehending arrest in connection with Crime No.161/2018, registered at Police Station Pungipathara, District Raigarh, Chhattisgarh for offence punishable under Section 407, 420, 120B, 34 of the IPC, the applicant has preferred this application for grant of anticipatory bail under Section 438 of the Cr.P.C.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. No case is made out against the applicant on the basis of material present in the case diary. The applicant had in fact financed a truck from finance company which he transferred to one Rafik Ansari, co-accused in this case. As Rafik Ansari could not pay the installments of the loan taken, therefore, the vehicle has been seized by the finance company and is in possession of the company. Co-accused Sachin @ Kallu has misused the registration number of the said truck for smuggling the iron ore for which he is responsible. Therefore, there is no evidence against this applicant regarding commission of crime as registered in this case. Hence, it is prayed that the application may be allowed.
3. Learned counsel for non-applicant/State opposes the application and

submits that according to the memorandum statement given by Sachin @ Kallu he had used the registration number of the truck belonging to the applicant with his permission and understanding that the profit will be shared by the applicant. Hence, the applicant is not entitled for grant of anticipatory bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the FIR lodged, truck bearing registration No. CG 15-AC 5073 was seized for illegal transporting of sponge iron worth Rs.9,00,000/-. During investigation co-accused Sachin @ Kallu has given memorandum statement that he was permitted to use the registration number of the truck of this applicant in another truck for transportation on condition that profit shall be shared by the applicant. Hence, this case.

6. Considered on the entire material present in the case diary and after due consideration, I feel inclined to allow this application.

7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil