

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1156 of 2019

- Jairam Bareth S/o Firangi Bareth Aged About 40 Years Occupation Driver, R/o Kabir Chowk, Jhopdipara, Raigarh, Tahsil And District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Chhal, District- Raigarh, Chhattisgarh.

---- Respondent

AND

MCRCA No. 1295 of 2019

- Amit Sabarwal S/o C.J. Singh Aged About 36 Years Resident Of M.I.G. 4, Housing Board Colony, Police Station- Chakradhar Nagar, Raigarh, Tahsil And District - Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station - Chal, District - Raigarh, Chhattisgarh.

---- Respondent

For Applicant (In MCRCA No. 1156/2019) : Mr. Awadh Tripathi, Advocate.
For Applicant (In MCRCA No. 1295/2019) : Mr. Hari Agrawal, Advocate.
For Respondent/State : Mr. Anand Verma, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

22/08/2019

1. Heard.
2. Since, both the bail applications arise out of same crime number, therefore, they are being decided by this common order.

3. The applicants have filed these first bail applications for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 82/2018, registered at Police Station Chhal, Distt. Raigarh (C.G.) for the offence punishable under Sections 3 & 7 of the Essential Commodities Act r/w Section 120 B of the IPC.
4. As per prosecution story, on 10.05.2018, at about 2 AM in the morning, on the basis of information received from an informant, police officials reached the spot, allegedly, at that time Tanker bearing registration No. CG GJ 15Z 1949 in which, the kerosene of Public Distribution System has been kept and was selling by the Tanker driver of the said vehicle namely Mayaram. It was disclosed by co-accused Ajay Singh, a Dhaba Owner that co-accused Mayaram sold the kerosene to him on the instructions of present applicants. On the basis of memorandum statement of co-accused Mayaram, the challan of kerosene has been seized from the house of applicant Jairam Bareth.
5. Learned counsel appearing on behalf of applicant Jairam Bareth submits that he is the owner of said tanker, but there is nothing on record on the basis of which it can be established that he instructed the co-accused Mayaram to sell the kerosene or the kerosene which was sold by the co-accused Mayaram is in the knowledge of applicant Jairam Bareth.
6. Learned counsel appearing on behalf of applicant Amit Sabarwal submits that only on the basis of memorandum statement of co-accused Mayaram, he has falsely been implicated in the crime in question.
7. Learned Counsel appearing for the parties further submits that Trial Court has concluded the trial and acquitted co-accused persons Mayaram, Rajesh Sav, Rajeev and Sanjay Rathi. Therefore, prima facie no case has been made out against the present applicants, therefore, they may be granted benefit of anticipatory bail.

8. Per contra, learned counsel appearing on behalf of State opposes the bail application and submits that there is sufficient evidence available on record against the applicants, therefore, they may not be granted anticipatory bail.
9. I have heard learned Counsel for both the parties.
10. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties. In my considered opinion, without further commenting on merits of the case, I am inclined to grant anticipatory bail to the applicants.
11. Accordingly, the anticipatory bail applications are allowed.
12. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing personal bond in the sum of Rs. 25,000/- with one surety each for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal o the trial.
13. Certified copy, as per rules.

Sd/-

(Arvind Singh Chandel)
Judge