

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1160 of 2019

- Subhash Mittal S/o Late Chiranji Lal Aged About 52 Years R/o Surajpur, Police Station Surajpur, Tahsil And District- Surajpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Sonhat, District- Korla, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sanjay Agrawal, Advocate.

For Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

04/09/2019

1. The applicant has filed this first bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as he is apprehending his arrest in connection with crime no. 73/2019, registered at Police Station Sonhat, Distt. Korla, Chhattisgarh for the offence punishable under Section 409/34, 457, 380 & 411 of the IPC.
2. As per prosecution story, complainant P.C. Gupta (Nodal Officer) given a written report on 12.05.2019 in concerned police station alleging therein that on 30.04.2019, after physical verification of society, it was found that 759 bags of DAP fertilizer were shortage in

the stock from warehouse of Aadim Jati Sahkari Sewa Samiti, Sonhat. Thereafter, the FIR was registered against the Chairman and manager of the said society and initially the offence under Section 409/34 of IPC has been registered against them. During course of investigation, it was found that co-accused Shabbir Ali has theft the said fertilizer and sold it to the present applicant, therefore, later on other offence have been added by police authority.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. *Prima Facie* no offence can be made out against him. None of the stolen bags have been seized from the present applicant nor found in his possession. He implicated in the crime in question only on the basis of statement of co-accused Sabbir Ali. He lastly submits that the applicant is a reputed person of his society, he is permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit anticipatory bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution and arguments advanced by both the counsel appearing for the parties. In my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:-

- I. That the accused/applicant shall made himself available for interrogation before the concerned Investigating Officer as and when required;
- II. The accused/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. The accused/applicant shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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/-

(Arvind Singh Chandel)
Judge