HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 4917 of 2019

- Sachin Agrawal S/o Shyamlal Agrawal Aged About 27 Years R/o C Block- 501, Kul Home Daldal Sivni, Moya Raipur, Thana Raipur, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Janjgir Through Police Station Mulmula, District Janjgir Champa Chhattisgarh

---- Non-applicant

M.Cr.C.(A.) No. 1202 of 2019

- Ram Vijay Rai S/o Shri Jognarayan Rai Aged About 42 Years Caste - Bramhan, R/o Chhapriganj, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Thana - Mulmula, District Janjgir Champa Chhattisgarh

--- Non-applicant

For Applicant	–	Mr. Vikash Pandey and Mr. Sanjay Agrawal, Advocates.
For Non-applicant/State	–	Mr. Ghanshyam Patel, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-09-2019

Heard.

1. As both these applications arise out of the same crime number, i.e., Crime No.110/2019 registered at P.S. Mulmula, District- Janjgir-Champa, Chhattisgarh, they are being decided by this common order.

2. MCRC No.4917 of 2019 has been filed under Section 439 of the Cr.P.C. by applicant Sachin Agrawal for grant of regular bail as he has been arrested on 07-07-2019 in connection with aforesaid crime number for offence under Section 409, 420 r/w 34 of I.P.C.

3. MCRCA No.1202 of 2019 has been filed under Section 438 of the Cr.P.C. by applicant Ram Vijay Rai as he is apprehending his arrest in connection with aforesaid crime number for offence punishable under Section 409, 420, 34 of I.P.C.

4. It is submitted by learned counsel for applicants that the F.I.R. lodged against the applicant is misconceived. There is no denial that the applicant Sachin Agrawal is the owner of the Truck No. CG/04/LV/6106 in which the consignment of 41 tonnes of rice was loaded for transportation through transporter Ram Vijay Rai that was to be delivered at destination in Visakhapatnam's Port. Because of the natural calamity of cyclone, the truck could not reach the destination in time, therefore, this F.I.R. has been lodged making false allegations. Hence, it is prayed that the applicant in both the cases be granted regular/anticipatory bail.

6. Learned counsel for the State/non-applicant opposes the applications and submits that according to the memorandum statements given by applicant-Sachin Agrawal, it is a clear case of misappropriation and cheating, therefore, the application may be rejected.

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

8. The case of the prosecution in brief is this that, the complainant- Kailash Agrawal has lodged F.I.R. that a consignment of 41 tonnes of rice was given for transportation through transporter- Ram Vijay Rai and the same was loaded in the truck owned by Sachin Agrawal and dispatched on 14.06.2019. By 03.07.2019, the truck with load of 41 tonnes of rice did not reach destination, therefore, the F.I.R. has been lodged. During the investigation, all the 41 tonnes of rice have been recovered from the possession of the applicant Sachin Agrawal.

9. Considered that the charge-sheet has been filed in this case and there

is no further investigation to be made and the case is pending for trial, therefore, I feel inclined to grant regular bail to applicant Sachin Agrawal and anticipatory bail to applicant Ram Vijay Rai.

11. Accordingly, MCRC 4917 of 2019 filed under Section 439 of the Cr.P.C. by applicant Sachin Agrawal for grant of regular bail is hereby allowed. It is directed that this applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

12. MCRCA No. 1202 of 2019 filed by applicant Ram Vijay Rai under Section 438 of the Cr.P.C. is also allowed. It is directed that in the event of arrest of this 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. This applicant shall also abide by the following conditions :

(i) that he shall make himself available for interrogation before the investigating officer as and when required;

(ii) that he 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 he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

13. Certified copy as per rules.

Sd/-

Monika

(Rajendra Chandra Singh Samant)

Judge