

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRCA No. 1283 of 2019**

- Dhanesh @ Chhotu Pandey S/o Anil Kumar Pandey Aged About 25 Years R/o Katiyapara, Juna Bilaspur, Ps- City Kotwali, Bilaspur, Tahsil And District- Bilaspur, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through-Sho, Ps- Sirgitti, District- Bilaspur, Chhattisgarh

**---- Respondent**

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| For Applicant        | : Mr. Salim Kazi, Advocate. |
| For Respondent/State | : Mr. Anand Verma, Dy. G.A. |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**22/10/2019**

1. The Applicant has filed this 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. 226/2019, registered at Police Station Sirgiti, Distt. Bilaspur, Chhattisgarh for the offence punishable under Section 420 of the IPC.
2. As per prosecution story, the applicant is a scrap dealer and he has a shop near old bus stand, Bilaspur. He purchases the scrap from the nearby industries and dump the same in his shop for sale to big dealers. For transporting the scrap, the applicant hire a mini-truck of one Nandkumar Shrivastava bearing Registration No. CG 10 AR 0989. On 03.06.2019, the complainant namely Vineet Singh, who runs a workshop/garage and sold scrap material to the accused, lodged a

complaint in police station alleging therein that the applicant had played a fraud in the weight of the vehicle and the weight of the scrap material sold to him. On the basis of said complaint, offence has been registered.

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 case under Section 420 of the IPC can be made out against the applicant. He further submits that the applicant has no transport vehicle of his own, he normally hired the vehicles from Nandkumar Shrivastava. As per registration of the said vehicle without any accessories its weight is only 3270 Kgs., owner of the vehicle has got iron plates fitted in his vehicle weighing 1550 Kgs. as per (Annexure A-3), including these iron plates and other accessories, the total weight of the vehicle has gone up to approx 5390 Kgs, therefore, allegation of the complainant that weight of vehicle was less and the applicant carried more than the determined weight of scrap is *prima facie* not established. Thus, no case can be made out against the applicant.
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, arguments advanced by both the counsel appearing for the parties. Without further commenting on merits of the case, 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**