

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1337 of 2019

- Md. Samim S/o Md. Riyazuddin Aged About 42 Years Occupation Business R/o Village Jainagar, P. S. Jainagar, District Surajpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Katghora, District Korba Chhattisgarh

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Advocate.
For Respondent/State	: Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/10/2019

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. 48/2014, registered at Police Station Katghora, Distt. Korba, Chhattisgarh for the offence punishable under Section 420, 467, 468, 471/34 of the IPC.
2. As per prosecution story, on 24.01.2014, coal was being transported from coal depot of co-accused Ravindra Tiwari to Kharora. During checking for royalty in mining Naka at Katghora, having doubt about the royalty slip, the same was sent for verification. The mining department Balrampur reported that serial number entered in the royalty slip was differently printed than in the original and it was also not signed by the employee of the mining department because of which, the case of illegal transporting has been made against co-

accused Ravindra Tiwari, other accused persons and the applicant. Allegation against the applicant is that he was also involved in the crime in question.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that there is no role has been played by the applicant in the alleged offence. The applicant neither cheated to anyone nor he prepared any forged documents. The applicant has not participated in the crime in question. He further submits that the main accused Ravindra Tiwari has already granted benefit of anticipatory bail by this Court vide order dated 24.01.2018 passed in MCRCA No. 304/2017. 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 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 and further considering the fact that vehicle owner/co-accused Ravindra Tiwari has already granted benefit of anticipatory bail by this Court. Without further commenting on other 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