

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1628 of 2019**

- Narendra Sahu S/o Dwarika Prasad Sahu Aged About 50 Years R/o Village Lahoud, P. S. Kasdol, Tehsil and District Balodabazar, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Out Post Lavan, Under The P. S. Kasdol, Tehsil and District Baloda Bazar, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sandeep Yadav, Advocate.
For Respondent/State	: Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order On Board****19/12/2019**

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 612/2019 registered at Police Outpost – Lavan, under Police Station Kasdol, District – Baloda Bazar, (C.G.) for the offence punishable under Sections 409, 420, 34 of Indian Penal Code.
2. As per the prosecution story, present applicant is the President of Agricultural Co-operative Society, Lahoud. On 15.01.2019 one vehicle (truck) bearing registration no. CG-22-H/1507 entered in the paddy procurement centre premises, Lahoud, without any token on the instructions of the present applicant and 161 gunny bags of *Sona Masuri* brand of paddy was unloaded in the premises and 117 bags of HMT brand rice was loaded into the said truck. The matter was

reported by one Nakchhed Patel. On the basis of the said, Officers of the Food Department reached the spot and registered the offence against present applicant and other co-accused persons as they have exchanged the two different brands of paddy in order to get benefit.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to some previous enmity. He further submits that applicant has been implicated in this case only on the basis of statement of driver of the vehicle (truck). Also, at the time of incident, applicant was not present on the spot. It is further submitted that supervision of the said paddy center is under the control of the Manager of the said paddy centre and *prima facie*, no case is made out against the present applicant. Therefore, it is prayed that, applicant may be granted anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and particularly considering the fact that applicant has been implicated only on the basis of the statement of the driver of the vehicle, also, applicant was not present at the place of incident, therefore, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the

present applicant.

7. Accordingly, the bail application is allowed.

8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :

- (i) 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 from disclosing such fact to the Court,
- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He 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