

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1679 of 2019

- Shiv Kumar Goyal S/o. Late Murari Lal Agrawal Aged About 58 Years
R/o- D- 197, Savitri Sadan, Sector-4, Devendra Nagar, Raipur
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police
Station- Dharsiva, District- Raipur Chhattisgarh

---- Respondent

AND

MCRCA No. 1787 of 2019

- Saiyyad Jeeshan Ahmad S/o Shri Monaji Hussain Aged About 34
Years R/o Nagar Panchayat Pali , Post And Tahsil And District Korba
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Police Help Centre -
Siltara, P.S. Dharsiva District Raipur Chhattisgarh

---- Respondent

For Applicant (In MCRCA No. 1679/2019) :Mr. Rahim Ubwani, Advocate.

For Applicant (In MCRCA No. 1787/2019):Mr. Pushkar Sinha, Advocate.

For Respondent/State : Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

19/11/2019

1. Since, the above bail applications arise out of same crime number,
therefore, they are being decided by this common order.

2. The applicants have filed these bail applications for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 373/2019, registered at Police Station Dharsinva, Distt. Raipur (C.G.) for the offence punishable under Section 120(b), 34, 379, 407 & 411 of the IPC.
3. As per prosecution story, on behalf of Joravar Engineering Siltara, complainant Vijay Kumar has lodged FIR alleging that the consignment of 29.66 tones of sponge iron was dispatched from Raigarh to Siltara in truck bearing No. C.G. 11-AH-6631. The weight of the consignment was found short of 10.5 tones, which was valued at Rs. 2.10 lakhs. Allegedly, 10.5 tones of sponge iron was sold to applicant Shiv Kumar Goyal. During course of investigation on the memorandum statement of co-accused Krishna Kumar, said sponge iron was seized from the stock yard of applicant Shiv Kumar Goyal. Allegation against applicant Saiyyad Jeeshan Ahmad is that he with the help of other co-accused persons sold the said sponge iron to applicant Shiv Kumar Goyal. On the basis of said background, offence has been registered.
4. Learned counsel appearing on behalf of applicant Shiv Kumar Goyal submits that the applicant is innocent and has been falsely implicated in the present case. *Prima Facie* no case can be made out against the applicant. He has been implicated only on the basis of memorandum statement of co-accused Krishna Kumar. He is a businessman and his business institution is in the work of making Enguard for last 9 years. The bill pertaining to the same is available with applicant Shiv Kumar Goyal, the seized sponge iron was purchased by applicant Shiv Kumar Goyal vide its invoice dated 10.07.2019 from Vandana Global Limited and Vandana Global Limited issued a quality certificates of the same goods to the company of the applicant Shiv Kumar Goyal. Thus, it appears that no

such illegal material or any other goods as alleged against the applicant Shiv Kumar Goyal have ever been purchased from the other co-accused persons. Learned Counsel further submits that other co-accused persons have already been granted benefit of regular bail by this Court. Hence, it is prayed that this applicant may be granted benefit of anticipatory bail.

5. Learned counsel appearing on behalf of applicant Saiyyad Jeeshan Ahmad submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that in the FIR there is no name of applicant Saiyyad Jeeshan Ahmad is mentioned. In the statement of co-accused Krishna Kumar, he has disclosed the fact that he has sold the alleged sponge iron with the help of other co-accused persons and one Montu. As per prosecution one Umesh has disclosed the fact that applicant Saiyyad Jeeshan Ahmad is Montu but, the statement of Umesh was not recorded. Thus, no material available on record from which it can be said that applicant Saiyyad Jeeshan Ahmad is Montu, therefore, no case can also be made out against this applicant. Hence, it is prayed that this applicant may also be granted benefit of anticipatory bail.
6. Per contra, learned counsel appearing on behalf of State opposes the bail applications.
7. I have heard learned Counsel for the parties.
8. 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 applicants.
9. Accordingly, the anticipatory bail applications are allowed.
10. It is directed that in the event of arrest, the applicants shall be released on bail on each of them 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 them and they shall abide by all the following terms and conditions:-

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