

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 117 of 2020

Ramsingh Yadav S/o Dwarika Prasad Yadav Aged About 50 Years Occupation Director (Yadav Loha Bhandar), R/o Kursi Road, Mishrapur, Police Station Gudamba, District : Lucknow, Uttar Pradesh

---- Applicant

Versus

The State Of Chhattisgarh Through The Station House Officer, Police Station Punjipathra, Tahsil and District : Raigarh, Chhattisgarh

---- Respondent

For Applicant/s	:	Shri Punit Ruparel, Advocate
For State	:	Shri Mateen Siddiqui, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16.06.2020

Heard.

The applicant is apprehending his arrest in connection with Crime No.123/2019 registered at Police Station – Punjipathra, District – Raigarh, (CG) for alleged commission of offences under Sections 406, 407 and 34 of the IPC.

2. Allegation of the prosecution is that the applicant fraudulently stated supplier Anjali Steels Ltd. Raigarh that dispatch of 24.960 metric ton of iron rod did not reach, where upon Anjali Steels Ltd. filed an FIR. Later on it was revealed that applicant not only received the entire supply but it was also sold by him to another company.

3. Learned counsel for the applicant submits that in the present case the applicant had informed the complainant party that goods have not been received. The truck driver and owner were involved in diverting the goods. Later on, upon receipt, the entire cost of the iron rods, amounting to Rs.10,85,760/- has been deposited with Anjali Steel Ltd., therefore, under these circumstances, the applicant may be protected.

4. Learned State counsel opposes and submits that in the present case, the applicant falsely stated the complainant regarding non receipt of the goods in order to deprive the supplier/complainant, the sale price of iron rod dispatched by the complainant.

5. Having considered the submission of learned counsel for the parties, particularly taking into consideration that the cost of the iron rod supplied by the complainant firm has been deposited with them by the applicant, present is a fit case for grant of anticipatory bail to the applicant.

6. Accordingly, this application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer and he shall abide by all the following terms and conditions -

(i) that the applicant shall make himself available for interrogation by a Police 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 from disclosing such facts to the Court or to any Police Officer.

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

(iv) that 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.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge