

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 154 of 2020

Sanjay Jaiswal S/o Nandlal Jaiswal Aged About 26 Years R/o Village Taraimal,
Police Station Punjipathra, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer Punjipathra, District
Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shaleen Singh Baghel, Advocate.
For Respondent/State	: Mr. Ajay Kumrani, P.L.
For Objector	: Mr. Vikash Pradhan, Advocate.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

18/03/2020

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. 116/2018, registered at Police Station Punjipathra, Distt. Raigarh (C.G.) for the offence punishable under Sections 407, 34 of the IPC.
2. As per prosecution story, a written complaint has been filed by the complainant Rakesh Kumar Pandey inter-alia on the ground that on 16.08.2018, he dispatched 22 tons of T.M.T. Saria valuing Rs. 9,72,868 to Shalimar Corporation Limited Jabalpur (M.P.) from his factory through truck bearing Registration No. CG 09 B 0960 belonging to Jai Maa Durga Road Lines. It has been alleged that the said consignment had not reached its destination. Allegedly truck owner/co-accused Abhimanyu pandey and truck driver Rajesh Singh had chaos the said consignment and being a Transporter, the applicant is 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 the offence has been committed by co-accused persons. The applicant was only a transporter, he was not involved in the crime in question. The Counsel further submits that the applicant and the

complainant have settled their matter and now the complainant does not want to take any action against the applicant. Hence, it is prayed that the applicant may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. Learned Counsel appearing on behalf of the Objector supported the arguments advanced by the Counsel for the applicant and submits that the matter has already been settled.
6. I have heard learned Counsel for both the parties and perused the case diary minutely.
7. 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 the applicant and the complainant have settled their matter and the complainant does not want to take any action against the applicant. Without further commenting on merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
8. Accordingly, the anticipatory bail application is allowed.
9. 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 solvent 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 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