

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 422 of 2020

1. Sharad Kumar Pathak S/o Surendra Nath Pathak Aged About 37 Years R/o Pathak Complex Dipka, Tahsil Katghora Korba, District - Korba Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Office-In-Charge, P.S. Gharghoda, District Raigarh Chhattisgarh

---- Respondent

For Applicant

Mr. Ashutosh Mishra, Advocate

For Respondent /State

Mr. Sudeep Agrawal, Dy. Advocate General

Proceedings through Video Conferencing

Hon'ble Mr. Justice Prashant Kumar Mishra

Order On Board

29/6/2020

1. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.32/2020 registered at Police Station Gharghoda, District Raigarh, for offence punishable under Section 407 read with Section 34 of the Indian Penal Code.
2. Applicant is a Transporter, whose vehicles were engaged for transportation of coal from SECL, Korba to the factory site of T.R.N. Plant at Gharghoda, District Raigarh. It is said that the applicant unloaded the coal at Modi Coal Depot, Janjgir and loaded inferior quality of coal with fly ash.
3. Learned counsel for the applicant would argue that there is no agreement of doing the transportation work provided to the applicant for and on behalf of T.R.N. Plant, Gharghoda, therefore,

it is not established that the applicant is the official transporter engaged by T.R.N. Plant.

4. Learned State Counsel would oppose the prayer for grant of bail.
5. Admittedly, there are no documents proving that T.R.N. Plant had engaged the applicant for transportation work. Otherwise also, if the applicant was supplying inferior quality of coal, the complainant could have refused the same.
6. Considering the entire facts situation of the case, this Court is inclined to release the applicant on anticipatory bail.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicant, he shall be released on anticipatory bail on his executing a personal bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (a) he shall make himself available for interrogation by a police officer as and when required;
 - (b) 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.

Sd/-

(Prashant Kumar Mishra)
Judge

Gowri