

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 564 of 2020

Amit Kumar Sahoo S/o Suresh Sahoo Aged About 35 Years R/o 1, Tehsil And
Thana Bisra, District Sundargarh- 770 036 Odisha

---- Appellant

Versus

State Of Chhattisgarh Station House Officer, P.S. Suhela, District- Baloda Bazar
(Chhattisgarh)

---- Respondent

For Applicant : Mr. Shital Soni, Advocate.

For Respondent/State : Ms. Hamida Siddiqui, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/06/2020

1. The matter is heard through video conferencing.
2. 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. 0270/2019, registered at Police Station Suhela, Distt. Baloda-Bazar, Chhattisgarh for the offence punishable under Sections 34, 120-B, 407, 411, 420, 467, 468 & 471 of the IPC.
3. As per prosecution story, through complainant Hemkumar Sahu who is the site manager of Neha Transport loaded 2440 bags of cement on the trucks of Manish Kumar Bharti and Anshul Jaiswal which were not reached to their destination. Thereafter, the complainant Hemkumar Sahu lodged a complaint. On the basis of said complaint, initially offence has been registered against Manish Kumar Bharti and Anshul Jaiswal. During course of investigation, it was found that Manish Kumar Bharti and Anshul Jaiswal conspired with their truck drivers, sold the said cement to present applicant. On the basis of said background, offence has been registered against the applicant.
4. 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 applicant is running a business by the name of SS Fly Ash Bricks. The Counsel further submits that on his absence, 30 empty bags of cement have been recovered from his campus. On this point, the Counsel submits that since the applicant has running business to build bricks, therefore, empty bags of cement which was recovered from his possession is not a satisfactory evidence against the applicant, it is natural. The Counsel lastly submits that the applicant has implicated only on the basis of memorandum statement of co-accused Anshul Jaiswal. Hence, it is prayed that he may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. 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 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 for a 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