

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 838 of 2020**

Akashat Goyal, Aged about 35 years S/o Late Anup Goyal R/o College, Road Mahasamund P.S. Mahasamund, P.S. Mahasamund, District Mahasamund (C.G.)

---- Applicant

Versus

State of Chhattisgarh through the Police Station Mahasamund, District Mahasamund (C.G.)

---- Respondent

For Applicant	:	Mr. Apurv Goyal, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

16/09/2020

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 268/2020 registered at police station – Mahasamund (C.G.) for the offence punishable under Section 420 of the IPC.
3. According to the case of the prosecution, on 24/01/2020 an inspection was conducted by the officials of the food department at the rice mill owned by the applicant. During inspection, 756 gunny bags of the year 2019-20 were found in the new go-down of the applicant's rice meal. Despite there being no renewal registration for the year 2019-20

by the applicant, the applicant had thus violated clauses 6.1, 6.3 and 9.2 of the custom milling policy for the year 2019-20. On the basis of report made by the food Inspector, offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Virtually 756 gunny bags which were found in the go-down neither belongs to the applicant nor there were any theft committed by the applicant. The applicant recently constructed new go-down to earn rental income. The said rice meal was given on rent to M/s M.P. Rice Trading Company and said rice miller had kept those 756 gunny bags only in the part of the go-down. M/s M.P. Rice Trading Company has already a valid registration and the miller had lifted the said paddy from Mama-Bhancha Paddy procurement center, therefore, prima-faice no offence is made out against the applicant. He prays to extend the benefit of anticipatory bail to the applicant.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case, argument advanced by counsel for the parties and after going through the agreement executed between the applicant and M/s M.P. Rice Trading Company (Annexure-A-2) and also going through the registration certificate of M/s M.P. Rice Trading Company (Annexure-A-2), without further commenting on other merit of the case, I am inclined to extend the benefit of 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 bond in the sum of Rs.10,000/- with one 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, the accused/applicant shall make 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.
10. Certified copy, as per rules.

**Sd/-
(Arvind Singh Chandel)
Judge**