

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1112 of 2020**

- Banti Singhania @ Rajesh Agrawal S/o Madan Lal Agrawal Aged About 52 Years  
R/o Kotra Road, Raigarh, PS And Tahsil- Raigarh District Raigarh, Chhattisgarh

**---- Applicant****Versus**

- State Of Chhattisgarh Through Station House Officer, P.S. Tamnar, District Raigarh, Chhattisgarh

**---- Respondent**


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| For Applicant | : | Shri Ashutosh Mishra, Advocate |
| For State     | : | Smt. Hamida Siddiqui, Dy.A.G.  |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Order On Board****04/12/2020**

The applicant is apprehending his arrest in connection with Crime No.70/2018 registered at Police Station – Tamnar, District – Raigarh (CG) for alleged commission of offences under Section 420, 34 of IPC.

2. Prosecution case is that the applicant was a transporter engaged in transporting coal belonging to the complainant from his coal mines to the captive power plant. It is alleged that the present applicant and the other co-accused are involved in diverting huge quantity of coal, to the tune of 38.440 metric ton, which was about to transport to complainant's captive power plant but the quantity was actually found on the gate of another power plant.

3. Learned counsel for the applicant is being falsely implicated. Though he was the transporter and gave contract of transporting coal to the complainant's captive power plant, if something wrong has gone, it is for the driver to explain as to how the

coal was diverted to another power plant. He submits that since the applicant came to know that the coal has been diverted from the captive power plant of the complainant, he paid the amount equivalent to the cost of 38.440 metric ton only to show his bonafide. According to learned counsel for the applicant, the applicant only hired the vehicle and the vehicle did not belong to him.

4. On the other hand, learned State counsel opposes bail application and submits that according to the FIR and the material so far been collected in the investigation, it has been found that the present applicant who was the transporter, along with his own driver – Vimlesh, Security Guard and weighment supervisor of the complainant, fabricated documents related to quantity of coal but the quantity which was dispatched from the coal mines to the complainant's captive power plant was found loaded in a truck standing on the gate of another power plant containing coal which was to be transported to the complainant's power plant.

5. Taking into consideration the nature of allegations, particularly the role alleged against the applicant, present is not a fit case for grant of anticipatory bail. The application is, accordingly, rejected.

Sd/-  
( **Manindra Mohan Shrivastava** )  
**Judge**