

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1275 of 2020

1. Murit Ram S/o Firtu Ram, aged about 38 years, R/o Salhekanpa, Post Kargidih Road Kota, District : Bilaspur, Chhattisgarh
2. Abdul Sayeed Khan S/o Dabir Khan, aged about 45 years, R/o Santoshi Nagar, Raipur, District: Raipur Chhattisgarh. Presently R/o Yadunandan Nagar, Tifra, Bilaspur, District : Bilaspur, Chhattisgarh

---- Applicants

Versus

State of Chhattisgarh through Police Station Masturi, District : Bilaspur,
Chhattisgarh

---- Respondent

For Applicant	: Mr. Prasoon Agrawal, Advocate.
For Respondent/State	: Mr. Sameer Oraon, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

28.10.2020

1. The matter is heard through Video Conferencing.
2. The applicants have filed this First Bail Application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with Crime No.347/2019, registered at Police Station: Masturi, District: Bilaspur (C.G.) for the offence punishable under Section 406, 407, 120-B, 506 read with 34 of IPC.
3. The instant anticipatory bail application with regard to Applicant No.1 namely Murit Ram was dismissed as not pressed vide order dated 16.09.2020 passed in this case.
4. According to the case of prosecution, a report has been lodged on 13.09.2019 by complainant namely Chandrapal Baghel, General Manager of Power City Coal, Private Limited, Jairamnagar alleging

therein that he has purchased coal from SECL, Korba which was transported in two vehicles bearing registration No. CG 15 AC 4251 & CG 10 AP 0395 to Bhanesar Depot. On 10.09.2019, when inquired, it was found that instead of coal, adulteration of "Jira Gitti" and "Coal Dust" was done with coal in both the vehicles. Again on 11.09.2019 when inquired, same adulteration was found. The Applicants herein were the driver of the said vehicles. It is alleged that the present Applicants have fled away from the spot and that they along with co-accused Ramjeet Singh have done conspiracy and transferred the actual coal in one coal depot owned by Ramjeet Singh. On the basis of said report, offence has been registered.

5. Learned counsel appearing on behalf of the Applicant No.2 submits that the Applicant No.2 is falsely implicated in the present case. Main allegations are against co-accused Ramjeet Singh, the alleged act occurred on the coal depot which was owned by co-accused Ramjeet Singh, who has been already granted benefit of anticipatory bail vide order dated 11.12.2019 passed in MCRCA No.1847/2019. The present Applicant No.2 was only the driver of the said vehicle and in the alleged crime there was no role of him therefore, he prays for grant of anticipatory bail to the Applicant No.2.
6. Per contra, learned counsel appearing on behalf of State opposes the bail application.
7. I have heard learned counsel for the parties.
8. Considering the facts and circumstances of the case, arguments advanced by the counsel for the parties and particularly considering the fact that main accused Ramjeet Singh has been already granted benefit of anticipatory bail by this Court, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant of anticipatory bail to the Applicant No.2
9. Accordingly, the anticipatory bail application is allowed with regard to Applicant No.2 namely Abdul Sayeed Khan.

10. It is directed that in the event of arrest, the Applicant No.2 shall be released on bail on furnishing a personal bond in the sum of Rs. 25,000/- 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 her by the said Court till disposal of the trial.

Sd/-

(Arvind Singh Chandel)
Judge