

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1416 of 2020

1. Capt. Ankur Dhillon (Retd.) S/o Dr. Dharamvir Dhillon, Aged About 40 Years, R/o MIG-2/26, Maharana Pratap Nagar, Dashara Maidan Korba Chhattisgarh.
2. Capt. Ram Singh (Rtd.) @ Ram Singh Jaglan S/o Late Shri Tirkha Ram Aged About 77 Years R/o MIG-1/43, Subhash Nagar (Extension) Korba, District Korba, Chhattisgarh.
3. Ravindra Bura, S/o Late Shri Dei Ram, Aged About 55 Years, R/o MIG-1/59, Maharana Pratap Nagar, Korba District Korba Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh Through The Police Station Kotwali Korba
Chhattisgarh, District : Korba, Chhattisgarh

---- Respondent

For Applicants	: Mr. Abhishek Sinha, Advocate.
For Respondent/State	: Mr. HS Ahluwalia, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/11/2020

1. The matter is heard through video conferencing.
2. The applicants have filed this 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. 760/2020, registered at Police Station Kotwali, Distt. Korba (C.G.) for the offence punishable under Sections 392 & 452 of the IPC.
3. As per prosecution story, a written complaint has been filed on 06.09.2020 by complainant Sunil Nehra stating himself to be a Manager of M/s Maa Pitambara Coal Carriers Pvt. Ltd. It has been alleged that 6 months back on 23.03.2020 at around 4:30 PM when he was in his office, the applicants along with other persons came inside the office and took away mobile phone, 3 computers sets, 2 printers, cheque book, password,

almirah keys and other important documents along with cash of Rs. 2.5 Lacs, keeping them in their vehicle. On the basis of said written complaint, offence has been registered.

4. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. He further submits that applicant nos. 1 & 2 are Ex-Servicemen and are Shareholder, Directors of Coal Transport Companies namely Shivam Coal Carriers and Dee Cee Coal Carriers Pvt. Ltd. The said companies formed to work as ex-servicemen companies and working for over burden removal and coal loading and transportation in SECL. At the time of formation and constitution of M/s Maa Pitambara Coal Carriers Pvt. Ltd. In the year 2015 was granted a financial assistance by Shivam Coal Carrier in which the applicants and complainant are Directors. At the time of establishment of M/s Maa Pitambara Coal Carriers Pvt. Ltd applicants' company Shivam Coal Carrier stood guarantor in purchasing the vehicle. M/s Maa Pitambara Coal Carriers Pvt. Ltd is also an Ex-Servicemen Company, business of which was entrusted and carried out by Director through Applicant No. 1 ever since its inception in the year 2015. He is being the person heading onsite operation of the business of M/s Maa Pitambara Coal Carriers Pvt. Ltd and was deputed as the Chief Executive Officer and in lieu of his work was paid regular monthly salary of Rs. 15 lacs per month. In fact the complainant and the Directors of M/s Maa Pitambara Coal Carriers Pvt. Ltd. who have never ever visited and supervised the coal carriage operation on site with a malafide dishonest intention of not paying the relevant due payment to applicant no. 1 as an afterthought filed the false complaint implicating the present applicants to pressurize the applicants to avoid payment of legal dues. The Counsel lastly submits that offence is occurred on 23.03.2020 and after six months of the incident on 06.09.2020 FIR has been lodged. There is no reasonable explanation given by the complainant of delay in lodging FIR and the FIR has been directly lodged without being any preliminary inquiry. From the contents of FIR, prima facie no offence under Section 392 & 452 of IPC can be made out against the applicants. The applicants are the reputed persons and Ex-Servicemen of Indian Army and they have no criminal antecedents. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the material available.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties, documents annexed with the bail application and further considering the facts that there is a delay of six months in lodging FIR, no proper explanation has been given by the prosecution regarding delay in lodging FIR and without being any preliminary inquiry FIR has been registered against the applicants, without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them 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 them and they shall abide by all the following terms and conditions:-
 - I. That accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;
 - II. The accused/applicants 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/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
 - IV. The applicants shall appear before the Trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge