

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 1699 of 2019

- Rajesh Kumar Pandey S/o Trigunand Pandey, Aged About 47 Years
R/o Ward No - 17, Dongargarh, District - Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- The State Of Chhattisgarh Through Station House Officer of Police
Station Pachpedhi, District- Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Mr. Shailendra Dubey, Advocate.
For Respondent/State	: Ms. Shriya Mishra, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/01/2020

1. 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. 100/2019, registered at Police Station Pachpedhi, Distt. Bilaspur (C.G.) for the offence punishable under Section 407/34 of the IPC.
2. As per prosecution story, the applicant is the owner of truck bearing Registration No. CG 08 L 0233. Other co-accused persons who were driver and helper, loaded the said truck with G-5 Grade Coal from Singhali Coal Mines and taken the said truck to Kalindi Steel Plant Belpaan. Allegedly, they have exchanged the loaded coal from G-5 Grade to G-9 Grade. Allegation against the applicant is that being an owner of the said truck, he was also involved in the crime in question.
3. 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 no case under Section 407 of the IPC can be made out against him. The applicant neither a driver of the said truck nor he exchanged the said coal. The Counsel further submits that before the date of incident i.e. 24.08.2019, the applicant has already sold the said truck to one Suraj Vishwakarma and executed the sale deed on 24.06.2019, therefore, no case can be made out against him. The Counsel finally submits that the applicant is a reputed person of his society, he is a permanent resident of above mentioned address and there is no chance of his absconding, therefore, he may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and further considering the fact that before the date of incident i.e. 24.08.2019, the applicant has already sold the said truck to one Suraj Vishwakarma and executed the sale deed on 24.06.2019. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicant.
7. Accordingly, the anticipatory bail application is allowed.
8. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a personal bond in the sum of Rs. 20,000/- 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 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