

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRCA No. 1786 of 2019**

- Umesh Yadav S/o Kailas Yadav Aged About 38 Years R/o 48, Magzin Bhata, Pump House, Korba Police Station Korba, Tehsil And District Korba, Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Janjgir, District Janjgir-Champa, Chhattisgarh.

**---- Respondent**

---

|                      |                              |
|----------------------|------------------------------|
| For Applicant        | : Mr. Samar Singh, Advocate. |
| For Respondent/State | : Ms. Shriya Mishra, P.L.    |

---

**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**27/01/2020**

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. 08/2019, registered at Police Station Janjgir, Distt. Janjgir-Champa (C.G.) for the offence punishable under Sections 407 & 34 of the IPC.
2. According to the FIR lodged, on the basis of order placed by the complainant N.K. Das from Max India Power Limited, some machinery worth Rs. 6 Lakhs was consigned for transport to Jai Jagannath Road Carrier of which co-accused Ashok Rajput was proprietor and co-accused Dindayal Vishwakarma was partner. The applicant was posted in Jai Jagannath Road Carrier as a driver. The above mentioned articles were not reached their destination and on making enquiry by the complainant, applicant Dindayal admitted to retained the machinery in his possession. On this background,

offence has been registered.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that no case can be made out against the applicant. He was only the driver in Jai Jagannath Road Carrier. The Counsel further submits that there was a dispute between both the companies namely Max India Power Limited and Jai Jagannath Road Carrier with regard to outstanding payment. The Counsel further submits that other co-accused persons Deen Dayal and Ashok Rajput have already granted benefit of bail by this Court vide orders dated 12.04.2019 & 23.08.2019 passed in MCRCA No. 480/2019 & MCRCA No. 963/2019 respectively. In these circumstances, it is prayed by the learned Counsel for the applicant that the applicant may also 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 both the parties.
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 facts that the applicant was only the driver in Jai Jagannath Road Carrier. Without further commenting on other merits of the case, I am inclined to 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**