

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 55 of 2020**

- Gulshan Kumar Dhritlahre S/o Shri Khorbahra Dhritlahre Aged About 23 Years R/o Khorsi Nala, Pangaon, P.S. - City Kotwali, Baloda Bazar, District- Baloda Bazaar Bhatapara Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Out Post Lavan, Under The Police Station - Kasdol, Tahsil And District- Baloda Bazar Chhattisgarh.

---- Respondent

&

MCRCA No. 65 of 2020

- Kripal Yadav S/o Late Anandu Ram Aged About 62 Years R/o Village Pangaon, Thana City Kotwali, Baloda Bazar, District Baloda Bazar - Bhatapara, Chhattisgarh.,

---- Applicant

Versus

- State of Chhattisgarh Through The Police Station - Out Post Lavan, Thana Kasdol, District Baloda Bazar - Bhatapara, Chhattisgarh.,

---- Respondent

For Applicant in MCRCA : Mr. Sandeep Yadav, Advocate.
No. 55 of 2020.
For Applicant in MCRCA : Mr. Deepak Jain, Advocate.
No. 65 of 2020.

For Respondent/State : Mrs. Fouzia Mirza, AAG.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order on Board

18-06-2020

Heard.

1. Both the applications are being decided by this common order as they arise out of same crime number.
2. The applicants have preferred the bail applications for grant of anticipatory bail under Section 438 of Code of Criminal Procedure, 1973 apprehending their arrest in connection with Crime No. 612 of 2019 registered at Police Station – Out post Lavan, Thana Kasdol, District Baloda Bazar-Bhatapara (CG) for alleged commission of offence under Sections 409 and 420/34 of IPC.
3. Case of the prosecution is that on 15-1-2019 one vehicle bearing registration No. CG-22-H/1507 entered in the paddy procurement centre premises, Lahoud without any token and 161 gunny bags of Sona Masuri brand of paddy was unloaded and 117 bags of HMT brand rice was loaded into the truck in the premises of the said society and caused misappropriation of paddy and committed forgery. The matter was reported and thereafter officers of the Food Department reached to the spot and registered the offence against the present applicants and other co-accused.
4. Learned counsel for the applicants would submit that applicant Gulshan Kumar Dhritlahre in M.Cr.C.A.No. 55 of 2020 was the driver of the said vehicle and applicant Kripal Yadav in M.Cr.C.A.No.65 of 2020 is Incharge of the society. Co-accused namely Narendra Sahu, President of the Agricultural Co-operative Society and one Mani Ram Sahu, employee of the said society, at

whose instance the transport is alleged to have been done, have already been granted anticipatory bail by this court vide order dated 19-12-2019 passed in M.Cr.C.A.No. 1628 of 2019 and order dated 16-6-2020 in M.Cr.C.A.No. 106 of 2020, therefore, present applicants may also be granted benefit of anticipatory bail.

5. On the other hand, learned counsel for the State opposes prayer for grant of anticipatory bail and submits that applicant Gulshan Kumar Dhritlahre is the driver and applicant Kripal Yadav is the Incharge of the Agricultural Co-operative Society, therefore, they are also clearly involved in the alleged commission of offence.

6. I have heard learned counsel for the parties and perused the material before this court. After going through the order passed by this court in M.Cr.C.A.No. 1628 of 2019 filed by co-accused Narendra Sahu, President of the Agricultural Co-operative Society, I find that the prosecution case involves among Narendra Sahu, Mani Ram Sahu and two applicants herein, therefore, case of present applicants also appears to be similarly situated as the co-accused Narendra Sahu and Mani Ram Sahu who have already been granted benefit of anticipatory bail.

7. Accordingly, both the applications are allowed and it is directed that in the event of arrest of the applicants Gulshan Kumar Dhritlahre and Kripal Yadav in connection with the aforesaid offence, they shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Arresting Officer/Presiding

Officer of the concerned trial court and the applicants shall abide by all the following terms and conditions.

- (i) that the applicants shall make themselves available for interrogation by a Police Officer as and when required;
- (ii) that they 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 from disclosing such facts to the Court or to any Police Officer.
- (iii) that they shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)

J U D G E

Raju