

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 316 of 2021**

- Sanjay Das S/o Shri Sukumar Das, aged about 30 years, R/o Ward No.18 Deepka, Police Station Deepka, District Korba (C.G.) Mob. No.8103020301

---- Applicant**Versus**

- State of Chhattisgarh – Through : Police Station Urla, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Rohitashva Singh, Advocate.
For Respondent.	:	Mr. B.L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25/06/2021**

1. This application under Section 438 of the Code of Criminal Procedure has been filed by the applicant who is apprehending his arrest in connection with Crime Number 07/2021 registered at Police Station – Urla, Raipur (C.G.) for the offence punishable under Sections 407 and 120(B) of Indian Penal Code.
2. The prosecution case, in brief, is that the Assistant General Manager of Alok Fero Alliance Limited made a written complaint at Police Station – Urla alleging therein that the raw material of their institution comes from Deepka Mines and the said work is assigned to Gayatri Transport Company. On 08.01.2021, when two trucks came for unloading of goods, upon inspection it was found that stone is mixed in much quantity. On being asked, the driver informed him that

they did it at the behest of the applicant. Based on this, offence has been registered against the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the applicant is owner of the trucks and he has no role in the alleged crime as the trucks were operated by the Gayatri Coal Transport and Supplier Company, which is evident from the FIR. He also submits that the drivers of the Trucks have been released on bail.
4. Counsel for the State however opposes the application for anticipatory bail. Learned State counsel submits that there is statement of the drivers who have clearly stated that they did the act at the behest of owner of the trucks.
5. After hearing counsel for the parties and considering the facts and circumstances of the case, and further considering the nature of offence and quality of evidence, without commenting anything on merits of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicant.
6. Accordingly, the application is allowed. It is directed that in the event of arrest of the applicant in connection with aforesaid crime number, he shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and conditions:
 - (i) that the applicant shall make himself available for

interrogation/medical examination before the concerned investigating officer as and when required;

(ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(iii) that the applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and

(iv) that 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/-

(Rajani Dubey)
Judge

pkd