

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.781 of 2021

- Vicky @ Vivek Jaiswal, aged about 28 years, son of Shri Pramod Kumar Jaiswal, R/o Laxmipur, P.S. Ambikapur, Distt. Surguja (CG)

---- Applicant

Versus

- The State of Chhattisgarh, through the Station House Officer, Police Station Rajpur, Distt. Balrampur- Ramanujganj (CG)

---- Non-applicant

For Applicant	:	Mr. N.K. Mehta, Advocate
For Non-applicant	:	Mr. B.P. Banjare, Dy. Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

28/7/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to the applicant as he apprehends his arrest in connection with Crime No.58/2021 registered at Police Station Rajpur, District Balrampur-Ramanujganj (CG) for commission of offence punishable under Sections 420, 120B, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that complainant Sanjay Jaiswal lodged a complaint in the concerned police station mentioning therein that on 10.3.2021 one driver came with truck bearing registration number CG15-AC-5841 and its papers in Coal Mines Mahan-2 for loading of coal in it. After verification of papers produced by driver of said truck, the coal was loaded in it, Rs.15,000/- for diesel and Rs.6,000/- for other allowances was given to the driver and thereafter the truck departed for its destination. On 13.3.2021 one Mukhtar Ansari, owner of truck No. CG15-AC-5841, came and asked to load coal in his truck, then only it revealed that coal loaded earlier in truck bearing No.CG15-AC-5841 has not reached to

its destination. On enquiry being made, it revealed that truck in which coal was loaded was in Bilaspur on 10.3.2021. Based on the said complaint, instant crime is initially registered against accused Bhima Sagar, Rahul Agrawal, Manoj Agrawal & Vicky Jaiswal. During the course of investigation, on the basis of memorandum statement of accused Manoj Agrawal, present applicant has been made accused in instant crime.

3. Mr. N.K. Mehta, learned counsel for applicant would submit that present applicant is neither owner of truck in question nor the transporter and name of present applicant appears only in memorandum statement of accused Manoj Agrawal. He further submits that except memorandum statement of accused Manoj Agrawal, there is no other material in the case diary to connect present applicant with crime in question. Hence, he prays that present applicant be extended benefit of anticipatory bail under Section 438 of CrPC.
4. Mr. BP Banjare, learned Deputy Government Advocate for the State opposes the submissions made by learned counsel for applicant and submits that by producing forged documents the coal was got loaded in truck and thereby the complainant has been cheated. He further submits that co-accused Manoj Agrawal in his memorandum statement disclosed that present applicant is also part of conspiracy to commit crime. On putting a query to learned State Counsel that except memorandum statement of co-accused, any other material is available in case diary connecting present applicant with crime in question, he submits that there is no other material available in case diary at present against present applicant.
5. I have heard learned counsel for the parties.
6. Taking into consideration the facts and circumstances of case, nature of allegations and submission made by learned State Counsel that except memorandum statement of accused Manoj Agrawal stating that he planned for commission of instant crime with present applicant, without commenting

anything on merits of case, I am inclined to grant anticipatory bail to present applicant.

7. Accordingly, the application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Arresting Officer. The applicant shall also abide by the following conditions:

- (i) that he shall make himself available for interrogation before the Investigating Officer as and when required;
- (ii) that he 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) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-