

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1040 of 2021**

Thakur Das Kotwani S/o Tahal Ram Kotwani Aged About 46
Years R/o Chakarbhata, Nagar Panchayat Bodri, Tahsil Belha
P. S. Chakarbhata, District Bilaspur Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police
Station Chirmiri, District Koriya Chhattisgarh

---- Non-applicant

For Applicant : Shri Saleem Kazi, Advocate

For Non-applicant/State : Shri B.P. Banjare, Dy. Govt. Advocate

(Proceedings through Video Conferencing)**Hon'ble Shri Justice Parth Prateem Sahu****Order on Board****01.09.2021**

1. The applicant has preferred this first bail application under Section 438 of the Cr.P.C. for grant of anticipatory bail, as he is apprehending his arrest in connection with Crime No.95 of 2020, registered at Police Station Chirmiri, District Koriya (C.G.), for offence punishable under Section 420/34 of the Indian Penal Code.
2. Case of the prosecution in brief, is that, in between 19.02.2020 to 22.02.2020, G5 category of coal was loaded on two trucks bearing No.CG-15/CX/0935 and CG-15/CX/1868 from NCPH Colliery, Haldibadi, Chirmiri for transporting it to Bhilai JP Cement Satna (M.P.). The trucks were unloaded at Bhilai JP Cement Satna, after verification of quality of coal, the Quality Control Manager

informed the coal unloaded from the aforesaid two trucks to be of inferior quality. Based upon which, Bhilai JP Cement has contacted the transporter by name Amit Saluja intimating him that as the coal was of inferior quality, he has to pay the amount of Rs.3,89,350/- or to supply of G5 category/quality of coal to the Factory at Satna. Based on the information received by transporter Amit Saluja, a written report was lodged to concerned Police Station on 12.03.2020. The First Information Report was registered and during the course of investigation, present applicant who is owner of coal depot situated near Ratanpur is also implicated in the crime.

3. Shri Saleem Kazi, learned counsel for the applicant would submit that there is no direct allegation against the present applicant in any manner in written report and First Information Report. He further submits that he is owner of coal depot managed by the Manager appointed by him who was working on the spot. He has been implicated only because in the statement of co-accused, it has come that coal loaded from the mine was unloaded in the coal depot. It is contended that except this, there is no other material against him and Police has not recovered the alleged coal stated to be unloaded in the depot owned by present applicant, hence, he may be enlarged on anticipatory bail.
4. Per contra, Shri B.P. Banjare, Dy. Govt. Advocate representing the State opposing the submissions made by learned counsel for the applicant, would submit that transporter of coal has lodged a written report making allegations against owner of trucks and its

driver. He further submits that during the course of investigation, statement of Rajiv Ranjan Yadav was recorded by the Police, in which, it has come that on the say of Ajay Singh, Rajiv Ranjan Yadav got the coal unloaded in his depot at Ratanpur, which is owned by the present applicant.

5. However, upon putting specific query to learned counsel for the State with respect to any direct evidence against the present applicant, he submits that allegations levelled by owner of the trucks is against one Ajay Singh who was Manager of coal depot and present applicant is not named.
6. I have heard learned counsel for the parties.
7. Taking into consideration entire facts and circumstances of the case, nature of allegations, material and evidence collected by the Police wherein it has come that owner of trucks based on the say of one Ajay Singh, has unloaded the coal in the depot owned by present applicant, without commenting anything into the merits of the case, I am inclined to release the present applicant on anticipatory bail.
8. Accordingly, bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on anticipatory bail on his furnishing a personal bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with one surety in the like sum to the satisfaction of the arresting officer and he shall be abide by the following conditions :-

(i) he shall make himself available for interrogation by a police officer as and when required;

(ii) 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 from disclosing such facts to the Court or to any police officer.

(iii) he shall not influence the witnesses during pendency of the trial.

Certified copy as per Rules.

Sd/-

(Parth Prateem Sahu)
Judge