

(Proceedings through video conferencing)

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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.1010 of 2021

- Uday Pratap Singh, S/o Sarvajeet Singh, aged about 38 years, R/o Rudraapur, P.S. Tharvai, Dist. Prayagraaj (UP)

---- Applicant

Versus

- State of Chhattisgarh, through Station House Officer, P.S. Sirgitti, District Bilaspur (CG)

---- Non-applicant

For Applicant	:	Mr. Akhtar Hussain, Advocate
For Non-applicant	:	Mr. B.L. Sahu, Panel Lawyer

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

26/8/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.483/2020 registered at Police Sirgitti, District Bilaspur (CG) for commission of offence punishable under Section 409 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that complainant deals in scrap business, he hired truck of applicant bearing registration number HR55-L-1322 for transporting plastic scrap material to Eco Fiber Product Factory, Kanpur; truck was loaded with 8.05 ton of plastic scrap worth Rs.2,86,000/- approximately. However, instead of delivering plastic scrap to the aforementioned destination, applicant sold the same to some other person. On coming to know about said fact, complainant demanded money of plastic scrap from applicant, which he refused to give. Based on this complaint, crime in question is registered against applicant.
3. Mr. Akhtar Hussain, learned counsel for applicant would submit that applicant is neither owner of truck in question nor the agent. He is not involved in any manner with alleged transportation of plastic scrap of the complainant, hence the offence alleged against applicant will not be made out.

4. Mr. B.L. Sahu, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that the complainant has submitted named complaint against applicant. Truck in question on which scrap was loaded for transportation from Bilaspur to Kanpur, belonged to applicant. During course of investigation, police have collected material placed by complainant i.e. copy of RC Book, driving license of Pankaj Singh, PAN Card and Adhar Card of applicant along with his mobile number. Hence there is direct involvement of applicant in the crime in question. He further submits that as many as four criminal cases are registered against applicant in State of Uttar Pradesh, Assam for the offence under Section 379 of IPC and Sections 4 & 5 of the Explosives Act and presently, applicant is in jail in connection with some other offence.
5. At this stage, Mr. Akhtar Hussain, learned counsel for applicant submits that earlier applicant was having commercial dealings with complainant, therefore, the complainant might be in possession of some documents and details of applicant. However, he admits that mobile number available in case diary belongs to applicant.
6. I have heard learned counsel for the parties.
7. Taking into consideration the nature of allegations levelled against applicant and material collected by the prosecution, I do not find it to be a fit case where applicant should be extended benefit of anticipatory bail.
8. Accordingly, this anticipatory bail application is rejected.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-