

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUROrder reserved on 4-2-2021Order delivered on 17-2-2021MCRCA No. 1655 of 2020

- Vipin Rajpal S/o Bahadur Singh Rajpal Aged About 35 Years R/o Panjabi Colony, Main Road, Bilha, Tahsil Bilha, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Katora Road, District Raigarh Chhattisgarh

---- Respondent

For Applicant	:-	Mr. Manoj Paranjpe, Advocate
For State	:-	Mr. Ravish Verma, G.A.

Hon'ble Mr. Justice Prashant Kumar Mishra**CAV Order**

1. Heard.
2. The applicant has preferred this application for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No.168/2020, registered at Police Station Katora Road, District Raigarh C.G. for offence punishable under Sections 420, 406, 120(B), 201 read with Section 34 of the I.P.C.
3. As per the FIR (First Information Report) lodged by one Hemant Verma, Deputy General Manager of Jindal Steel & Power Limited (JSPL), Patrapali, the said company had engaged the applicant for transportation of G-11 Grade Coal from Gevra Coal Mines of

SECL (South Eastern Coalfields Limited) to the premises of the company. The said quality of coal was loaded in the vehicle owned by the applicant and reached company's premises on 6-9-2020. On suspicion that inferior quality of coal is loaded in the transport vehicle (tipper trailer), physical verification was carried out and the enquiries were made from the Drivers on which it was revealed by Drivers namely; Sujit Singh & Uttam Singh Rajput that the present applicant Vipin Rajpal through his Supervisor Vikas Mangwani @ Vikky instructed them to unload G-11 quality of coal at Yasodara Petrol Pump and then load scrap coal (*chhaigitti*), which they have brought for supply to JSPL.

4. It is argued by the learned counsel appearing for the applicant that the applicant was not aware of the activities of Drivers and Supervisor and was not present on the spot when the coal was unloaded at Yasodara Petrol Pump, therefore, he is not liable for the act of his servants.
5. *Per contra*, learned counsel appearing for the State would oppose the bail application. He would submit that as per the material available in the case diary everything happened on the instructions of the applicant, therefore, he is, *prima facie*, responsible in commission of fraud.
6. Having seen the case diary it appears the Drivers could not have unloaded good quality of coal and then loaded scrap coal from Yasodara Petrol Pump unless there was clear instructions from the applicant. Almost all the co-accused persons have unequivocally named the present applicant as the person who supervised the entire illegal activity of transporting inferior quality

of coal than the coal which he loaded from SECL, Gevra Mines.

7. Considering the entire facts situation of the case and, *prima facie*, material available in the case diary, I am not inclined to release the applicant on anticipatory bail.
8. Accordingly, the anticipatory bail application is rejected.

SD/-
(**Prashant Kumar Mishra**)
Judge

Gowri