

IN THE HIGH COURT OF JHARKHAND AT RANCHI

A.B.A. No.1435 of 2021

Ashok Kumar Chourasia Petitioner
Versus
The Union of India through C.B.I.
..... Opposite Party

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioner : Mr. Shailesh, Advocate
For the C.B.I. : Mr. B. K. Prasad, Advocate

Order No.02 Dated- 13.04.2021

Heard the parties through video conferencing.

Learned counsel for the petitioner undertakes to remove the defects pointed out by the stamp reporter within two weeks after the lockdown is over. In view of personal undertaking given by the learned counsel for the petitioner, the defects pointed out by the stamp reporter are ignored for the present.

Apprehending his arrest in connection with R.C. 6A/2011 (D) instituted under Sections 120 (B)/ 420 of the Indian Penal Code as well as Section 13(2) read with 13 (1) (d) of the P.C. Act, 1988, the petitioner has moved this Court for grant of privileges of anticipatory bail.

Learned counsel appearing for the petitioner submits that the case of the prosecution in the brief is that the co-accused Sunil Kumar Sanwaria who is the proprietor of M/s Maa Parvati Coke Industries, entered into a Fuel Supply Agreement (F.S.A) with the B.C.C.L and purchased the coal at lesser price and instead of using the Coal so purchased in his own factory as required under the terms and conditions of F.S.A., sold the same to third persons at higher price than the price at which they purchased the same from B.C.C.L. thereby caused wrongful loss of the said amount to the B.C.C.L. and wrongful gain to themselves and the co-accused persons and the allegation against the petitioner is that the petitioner has been making all the correspondence on behalf of M/s. Kanhaiya Power (P) Ltd. as an active Director and payments to alleged M/s Maa Parvati Coke Industries against alleged purchase of hard coke by M/s. Kanhaiya Power (P) Ltd. has been made from the bank accounts standing in the name of M/s. Kanhaiya Power (P) Ltd. It is submitted that the allegation against the petitioner is false. It is next submitted that case further alleged that M/s Kanhaiya Power (P) Ltd. of which the petitioner is the director, facilitated the accused sister firm namely M/s. Maa

Parvati Coke Industries being in active criminal conspiracy, in diversion of the coal in the name of hard coke during the relevant period. It is further submitted that it has been mentioned in the charge-sheet itself that the co-accused Sunil Kumar Sanwaria and Deepak Kumar Sanwaria are the direct beneficiaries of this case and there is no allegation against the petitioner of having gained any specific amount. It is also submitted that the co-accused- Sunil Kumar Sanwaria, with similar allegations, has already been given the privileges of anticipatory bail by this Court vide order dated 19.02.2021 passed in A.B.A. No.1257 of 2020. It is lastly submitted that the petitioner is ready and willing to co-operate with the trial of the case and undertakes to deposit Rs.25,00,000/- with the General Manager (Marketing & Sales, B.C.C.L., Dhanbad) without prejudice to his defence in this case subject to final decision of the case. Hence, it is submitted that the petitioner be given the privileges of anticipatory bail.

Learned counsel appearing for the C.B.I. opposes the prayer for anticipatory bail of the petitioner.

Considering the submissions of learned counsels and the facts and circumstances stated above, I am inclined to grant privileges of anticipatory bail to the petitioner. Accordingly, the petitioner is directed to surrender in the Court of learned S.D.J.M.-cum-Special J.M., C.B.I., Dhanbad within six weeks from today and in the event of his arrest or surrendering, he will be enlarged on bail on showing proof of deposit of Rs.25,00,000/- with the General Manager (Marketing & Sale, B.C.C.L., Dhanbad) and on furnishing bail bond of Rs.2,00,000/- (Two lakhs only) with two sureties of the like amount each to the satisfaction of learned S.D.J.M.-cum-Special J.M., C.B.I., Dhanbad in connection with R.C. 6A/2011 (D) **with the condition that he will co-operate with the trial of the case** and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

In case the petitioner deposits Rs.25,00,000/- with the General Manager (Marketing & Sale, B.C.C.L., Dhanbad), learned court below will pass an appropriate order regarding the same at the time of conclusion of trial.

(Anil Kumar Choudhary, J.)