



2025:CGHC:5840

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRCA No. 166 of 2025**

Ajay Sharma S/o Lt. Rajendra Kumar Sharma Gabir Lal Grujar Aged
About 44 Years R/o Plot No. 303a, Ganesh Nagar Main Near Bharat
Mata Chowk, Niwaro Road Jhotwar, Jaipur Rajasthan

... Applicant(s)**versus**

State Of Chhattisgarh Through The Station House Officer, Police
Station - Pakhanjur, District Kanker Chhattisgarh

... Respondent(s)

For Applicant(s) : Mr. Siddhant Tiwari, Advocate

For Respondent(s) : Ms. Supriya Upasne, G.A.

Hon'ble Mr. Ramesh Sinha, Chief Justice**Order on Board****31.01.2025**

1. This first anticipatory bail application under Section 482 of the
Bhartiya Nagrik Suraksha Sanhita, 2023 has been filed by the
applicants, who are apprehending their arrest in connection with
Crime No. 147/2024 registered at Police Station – Pakhanjur,
District Kanker (C.G.) for the offence punishable under Sections
318(4), 3(5), 336(3), 338 and 340(2), 61 of the BNS and Section 7
of the Essential Commodities Act.

**ABHISHEK
SHRIVAS**

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2. Prosecution case in brief is that the co-accused namely Animesh Gharami ordered a truck of fertilizer through online business aggregator India- mart from OPS Kisan Agro Care Company, Jaipur, owned by co-accused Shiv Kishan Gurjar. The fertilizer was manufactured by co-accused persons, namely, Upkar Jain, Vinay Kumar Jain, and Vinod Kumar Jain, and transported by co-accused persons, namely, Daulat Singh and Ushman Khan. During the inspection by the Agriculture Department, the truck, bearing No. RJ 11GB 9189, full of fertilizers, was found parked in Krishi Upaj Mandi Pakhanjur. The driver and conductor gave suspicious answers and refused to produce a ticket or bill. The police were contacted, and the vehicle was taken to Pakhanjur Police Station. The fertilizer was seized and found to be impure. Thereafter, the one of the co-accused was arrested, in connection with Crime No. 147/2024 at Police Station Pakhanjur, District U.B. Kanker, for offences punishable under Sections 218(4), 3(5), 336(3), 338, 340(2), 61 of BNS and Section 7 of the Essential Commodities Act, and upon recording the memorandum statement of co-accused Shiv Kishan Gurjar, he has stated that the applicant was the one who got him to connection with the jain's the manufactures of the substandard fertilizers and was allegedly taking commissions for the sale of the said fertilizes. Hence, the crime was registered against the applicant.
3. Learned counsel for the applicant submits that the present applicant has been falsely implicated in the aforesaid case, he is innocent and has not committed any offence. He further submits that the present

applicant has neither committed nor participated in any such act which may amount to any of the offences mentioned above. The prosecution has filed the charge-sheet against the co-accused on 16.10.2024 and in the same, no role of the present applicant has been portrayed. The present applicant and the co-accused had an old acquaintance and were running there respective businesses and only on those terms, sometimes the applicant had an exchange of funds with Shiv Kishan Gurjar, but no such commission on sale of substandard fertilizers is alleged on present applicant. The applicant was in need of funds and on that purpose, the co-accused namely Shiv Kishan Gurjar gave the applicant said rupees as loan and when the applicant due to his incapability to pay back didn't repaid the said loan amount, Shiv Kishan Gurjar falsely roped the applicant in the present act. Even if the memorandum of the co-accused Shiv Kishan is taken onto consideration, no iota of evidence is found against the present applicant. Lastly, co-accused persons namely, Daulat Singh has already been released on vide order dated 18.11.2024 in MCRC No. 7940 of 2024, co-accused persons namely, Animesh Gharami has already been released on bail vide order dated 25.11.2024 in MCRC No. 8132 of 2024, co-accused persons namely, Shiv Kishan Gurjar and Omprakash Bhadana have already been granted bail by this court vide order dated 02.12.2024 in MCRC No. 8362 of 2024, co-accused persons namely, Vinod Kumar Jain has already been granted by this Court vide order dated 04.12.2024 in MCRC No. 8442/2024, co-accused person namely, Usman Khan has already been granted bail by this

Court in MCRC No. 8513 of 2024, co-accused person namely, Upkar Jain has already been released on bail by this Court vide order dated 10.12.2024 in MCRC No. 8643 of 2024 and the case of the present applicant is identical to that of the co-accused persons, hence he prays for grant of anticipatory bail to the applicant.

4. On the other hand, learned State counsel, opposes the prayer for grant of anticipatory bail to the applicant and also the submissions made by learned counsel for the applicant, but could not dispute the fact that above mentioned co-accused persons have already been granted bail by this Court and the case of the present applicant is identical to that of the co-accused persons.
5. I have heard learned counsel for the parties and perused all of the documents taken on record.
6. Considering the facts & circumstances of the case, submissions of learned counsel for the parties, nature of dispute and material available in case diary, also considering the fact that there is no direct evidence linking the applicant to the crime in question and even if the memorandum of the co-accused Shiv Kishan is taken onto consideration, no iota of evidence is found against the present applicant and further, the abovenamed co-accused persons have already been granted by this Court and the case of the present applicant is identical to that of the co-accused persons, as such, without further commenting anything on merits, this Court deems it fit to grant benefit of anticipatory bail to the Applicant.
7. Accordingly, the instant MCRCA is **allowed** and it is directed that in

the event of arrest of the applicant – **Ajay Sharma**, on executing a personal bond with one local surety in the like sum to the satisfaction of the arresting Officer, he shall be released on bail on the following conditions:-

(a) They should 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 fact to the Court.

(b) They should not act in any manner which will be prejudicial to fair and expeditious trial.

(c) They should appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(d) The Applicants and the sureties shall submit a copy of their adhaar card alongwith a colored postcard full size photo having printed the adhaar number on it, which shall be verified by the trial Court.

(e) They should not involve themselves in any offence of similar nature in future.

**Sd/-
(Ramesh Sinha)
CHIEF JUSTICE**

Abhishek