

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 648 of 2015

- 1. Nirmal Das Vaishnav S/o Shyam Das Vaishnav Aged About 50 years Caste- Vaishnav, Manager Sewa Sahakari Samiti, Kanakbira, Upkendra- Kapartunga, R/o Village- Kanakbira, Police Station Sarangarh, District- Raigarh, Chhattisgarh
- 2. Lakhan Lal Chauhan S/o Kiritram Chauhan Aged About 43 Years Fund Incharge, Sewa Sahakari Samiti, Kanakbira, Upkendra Kapartunga, R/o Village- Kanakbira, (Wrongly Mentioned As Village Goda In Order Sheet) Police Station Sarangarh, District- Raigarh, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through: Station House Officer, Police Station- Sarangarh, District- Raigarh, Chhattisgarh

---- Respondent

For Applicants	-	Shri A.P. Sharma, Advocate
For Respondent/State	-	Shri R.K. Gupta, Dy. A.G.

Order On Board

04/08/2015

Heard.

- 1. The applicants are apprehending their arrest in connection with Crime No.113/2014 registered at police station – Sarangarh, District Raigarh for alleged commission of offence under Section 420, 467, 468, 471, 120B, 34 of IPC and Section 3, 7 of Essential Commodities Act.
- 2. Prosecution case is that during the period, when the applicants were working as Manager and In-charge, 788 quintal of paddy was found short. It is further alleged that paddy in excess of actual area of land of the agriculturist was recorded in the records of the Society.
- 3. Learned counsel for the applicants submit that as far as applicants are concerned, they have not committed any offence. Cheating, if any, has been done by the concerned agriculturist. It is further submitted that the shortage of paddy, may be for various reasons which also includes transportation loss, rains and many times lack of proper storage facility. For all these reasons, only disciplinary action could be taken but no criminality is involved.

4. On the other hand, learned State counsel opposes prayer for grant of bail and submits that the applicants were directly responsible for receipt and verification of paddy from the agriculturist as also responsible for safe custody of paddy.

5. Taking into consideration the submission of learned counsel for the parties and that the role alleged to be played by the applicants, I am not inclined to extend the benefit of anticipatory bail to the applicants.

6. The bail application is rejected.

Sd/-

Manindra Mohan Shrivastava

J U D G E

Rekha