

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 714 of 2015

Smt. Dhyanati Mourya W/o Rajman Mourya Aged About 43 years wrongly mentioned in lower court order as 35 years, R/o Village, Post Wadrafnagar, Chouki Wadrafnagar, P.S. - Basantpur Revenue Distt. Balrampur Ramanujganj Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station Basantpur, Chouki - Wadrafnagar Revenue District - Balrampur Ramanujganj Chhattisgarh

---- Respondent

For Applicant	:	Shri Rakesh Kumar Jha, Advocate
For Respondent/State	:	Shri R.K. Gupta, Dy.A.G.for the State.

Order On Board

10/08/2015

Heard.

This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No.11/2015 , registered in Police Station -Basantpur, Chouki-Wadrafnagar, District -Balrampur-Ramanujganj, for alleged commission of offence under Sections 409, 420, 467, 468, 471/34 of the IPC.

Case of the prosecution, in brief, is that in the matter of purchase of paddy on support price in Procurement Centers, entries, in excess of actual purchase, were made on which basis, payments were made to agriculturists towards purchase of paddy which was actually never purchased.

Learned counsel for the applicant submits that in the inquiry report and the investigation conducted so far, there is no material to show that the total quantity of paddy recorded by the applicant in weigh slip is more than actual stock found upon physical verification. If the Computer Operator made double entries in respect of single purchase, the applicant is not responsible. It is submitted that in fact, it was the applicant who had been repeatedly submitting complaints and exposed this scam.

On the other hand, learned counsel for the State submits that during departmental inquiry, it has prima facie been revealed that after accepting supply and entries made in weigh slip by the applicant, co-accused used to make entry in the computer on which basis payments were made. Therefore, in all likelihood, the applicant also played role in ensuring that double entries in respect of single purchase is made by the Computer Operator.

Taking into consideration the submissions made by learned counsel for the parties,

particularly taking into consideration that there is no material to show that total quantity of paddy, as calculated on the basis of weigh slip, is more than actual quantity of paddy found upon stock verification and the applicant much prior to lodging of FIR had been continuously making complaints of this kind of irregularity going on in the Procurement Centers, I am inclined to allow the application.

The application is accordingly allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the arresting officer on her furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicant shall make herself available for interrogation by the police officer as and when required;
- (ii) the applicant shall 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 facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
JUDGE