

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.835 of 2015

Aman Kumar Sharma S/o Ashok Sharma Aged About 21 years, Caste Brahman, R/o Kotba, Police Chowki - Kotba, Police Station Bagbahar, Civil And Rev. Distt. Jashpur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Chowki - Kotba, Police Station Bagbahar, District Jashpur Chhattisgarh.

---- Respondent

For Applicants	: Shri Udhaw Sharma, Advocate
For Respondent/State	: Shri Ashok Swarnkar, P.L.

Order On Board

04-09-2015

The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.43/2015, registered at Police Chowki Kotba, Police Station–Bagbahar, District Jashpur for alleged commission of offence under Sections 420, 409, 120-B, 34 of IPC.

2. Case of the prosecution is that the applicant being office bearer of the Tribal Service Society, had procured paddy and total quantity of 13,430 quintal of paddy was found missing. It is alleged that the applicant along with other accused have misappropriated the paddy.

3. Learned counsel for the applicant submitted that even according to the investigation so far carried out by the police, it has been revealed that one of the Incharge of Procurement Centre-Rajesh Agrawal had removed the aforesaid quantity of paddy to his own rice mill, which resulted in shortage. Learned counsel for the applicant submits that the applicant, who was Incharge, had not removed the paddy nor he had any role because the co-accused Rajesh Agrawal had removed paddy, after taking permission from the Branch Manager. He submits that there were number of complaints made regarding the said incident of shortage committed by Rajesh

Agrawal and one of the complainant -Ashok Sharma was the father of the present applicant, therefore, it is improbable that the applicant would be involved in the same incident.

4. On the other hand, learned State counsel submits that huge quantity of paddy has been misappropriated and the matter is under investigation and presently one of the Incharge of Procurement center-Rajesh Agrawal has given certain clue for investigation, but at this stage, the applicant cannot be said to be totally innocent because he was the office bearer of the society and it is improbable that he would not know about the criminal act of co-accused Rajesh Agrawal.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the material collected so far by the investigating agency, it has come out with the allegation that the co-accused had taken paddy to his own rice mill and there are document on record as also in the case diary that the father of the applicant was instrumental in getting various reports and information submitted before the co-operative and police authorities, the application is allowed.

6. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on furnishing a personal bond for a sum of Rs.20,000/ with one local surety in the like sum to the satisfaction of the arresting officer, on the following conditions that:

- (I) he shall make himself available for interrogation by a police officer as and when required;
- (ii) he 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, *and*
- (iii) he shall cooperate with the investigation as and when he is called.

Sd/-
Manindra Mohan Shrivastava
Judge