

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 892 of 2015

Vijay Kumar Uike S/o Shri Mahipat Aged About 45 Years Occupation - Committee Manager At Adim Jati Seva Sahkari Samiti Govindpur, Tahsil - Pratappur, District - Surajpur (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through : Police Chauki - Wadrafnagar, Police Station - Basantpur, District - Balrampur - Ramanujganj (Chhattisgarh).

---- Respondent

For Applicant	:	Shri A.K. Yadav, Advocate
For Respondent/State	:	Shri D.R. Minj, Dy. Govt. Advocate

Order On Board

15/09/2015

Heard.

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.11/2015, registered in Police Station- Basantpur, for alleged commission of offence under Sections 409, 420, 467, 468 and 471 read with Section 34 IPC.
2. Case of the prosecution, in brief, is that the paddy in excess of actual purchase was shown on record and on that basis excess payments were made to agriculturists causing loss to public fund. Allegation against the applicant is that the second weighment slip not in series number was prepared by the present applicant.
3. Learned counsel for the applicant submits that the main culprit is co-accused Dhyanati Mourya. She was preparing weighment slip. Though, initially she had made complaint, later on, she withdrew her complaint. Notice of recovery has been issued against Dhyanati Mourya and in the month of January, she was made in-charge of purchase of paddy.
4. On the other hand, learned counsel for the State submits that during inquiry by Food Inspector, it has been revealed that in respect of every purchase against a single name two weighment slips were issued, one by Dhyanati Mourya containing series number and the other by the applicant which did not contain series number. In this manner, in respect of one single purchase, two weighment slips were prepared and on that basis double quantity of purchase was entered in the record followed by double the payment in respect of one single purchase.

5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the role alleged to be played by the applicant, I am not inclined to grant anticipatory bail to the applicant.

6. At this stage, learned counsel for the applicant submits that now the applicant is willing to surrender and apply for grant of regular bail. He submits that as other co-accused similarly situated namely -Seema Lakra has also been granted regular bail, the Court below may be directed to consider regular bail application of the applicant on the same date.

7. Considering the submission, it is directed that if the applicant surrenders and applies for grant of regular bail, the same shall be considered and decided by the Court below as early as possible, preferably within a period of 3 days.

8. The application is accordingly rejected.

Sd/-
(Manindra Mohan Shrivastava)

Judge