

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No.595 of 2015**

Ashok Sharma S/o Banwari Lal Sharma Aged About 47 years 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, District Jashpur Chhattisgarh.

---- Respondent

MCRCA No.561 of 2015

Hemraj Banjara S/o Late Babaji Ram Aged About 50 years R/o Village Kotba, Police Chowki- Kotba Police Station - Bagbahar, Tahsil Patthalgaon, District Jashpur Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Incharge, Police Chowki-Kotba, Police Station Bagbahar, District Jashpur Chhattisgarh

---- Respondent

For Applicants	: Shri Udhaw Sharma with Shri J. K. Saxena, Advocates
For Respondent/State	: Shri R. K. Gupta, Dy.A.G.

Order On Board**24/07/2015**

The afore-stated two bail applications are being decided by a common order as they all arises out the same crime number.

2. The applicants have preferred these applications under Section 438 of Cr.P.C., apprehending their 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.

3. Case of the prosecution is that the applicants 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 applicants along with other accused have misappropriated the paddy.

4. Learned counsel for the respective 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 respective applicant submits that the moment the office bearer and officers of the society, the applicants came to know about the shortage, they immediately reported the matter to various higher authorities including police on various dates in writing including lodging of FIR. In these circumstances, learned counsel for the respective applicant pray that applicants may be granted anticipatory bail.

5. 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 applicants cannot be said to be totally innocent because they were the office bearers and officers of the society and it is improbable that they would not know about the criminal act of co-accused Rajesh Agrawal.

6. 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 applicants were instrumental in getting various reports and information submitted before the co-operative and police authorities, the applications are allowed.

7. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail on each of them 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) they shall make themselves available for interrogation by a police officer as and when required;

(ii) they 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) they shall cooperate with the investigation as and when they are called.

Sd/-
Manindra Mohan Shrivastava
Judge