

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 622 of 2015

Durga Shankar Mishra S/o Lt. Shivdeen Mishra Aged About 52 years R/o Janakpur,
P.S. Janakpur, District Korla Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through the Police Station, Janakpur, Distt. Korla
Chhattisgarh

---- Respondent

For Applicant	:	Shri Arvind Singh, Advocate
For Respondent/State	:	Shri R.K. Gupta, Dy.A.G.

Order On Board

28/07/2015

This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.70/2014, registered in Police Station- Janakpur, District- Korla, for alleged commission of offence under Sections 420, 409, 34 of the IPC.

Case of the prosecution, in brief, is that the applicant cheated the procurement authority by offering paddy of quantity more than what was yielded in his own agricultural land.

Learned counsel for the applicant submits that the applicant is recorded bhumi-swami of 4.07 hectare of land, out of which, he declared 3.80 hectares towards paddy growth. He had purchased a land admeasuring 4.68 hectares from his nephew vide registered sale deed dated 11.5.2012, which on the date of submission of paddy, was not recorded in the revenue records in the name of the applicant. Therefore, technically speaking, it was on *adhiya* basis. There was no intention to cheat. The paddy procurement does not exceed quantity of paddy which could be accepted against the land owned by the applicant.

On the other hand, learned counsel for the State submits that the applicant did not clearly state that the land was owned by him, but he falsely stated that it was taken by him on *adhiya* basis, whereas it was not so. Therefore, excess paddy was submitted in the paddy procurement center by cheating public auditory and causing wrongful loss.

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

particularly taking into consideration that the applicant claims to be the owner of 4.68 hectares of land by virtue of registered sale deed dated 11.5.2012, 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, he shall be released on bail by the arresting officer on his furnishing a personal bond in the sum of Rs.20,000/- 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 himself 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