

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 726 of 2015

Lokesh Kumar Gupta S/o Vishnu Kumar Gupta Aged About 24 Years R/o Post Office Ward, Aamatalab Road, Tahsil, Thana & District, Dhamtari Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station Magarload, Distt. Dhamtari Chhattisgarh

---- Respondent

Shri Parag Kotecha, counsel for the applicant/s.

Shri R.K.Gupta, Dy.A.G. for the State.

Order On Board

21/08/2015

Heard.

The applicant is apprehending his arrest in connection with Crime No.61/15 registered at police station – Magarload, Distt. - Dhamtari, CG for alleged commission of offence under Section 409/34 of IPC.

2. The prosecution case is that the applicant had received huge quantity of paddy for being milled and proportionate 67% of the total quantity of paddy was required to be returned as rice. The allegation against the present applicant is that the rice worth more than Rs.88 lakhs was misappropriated and embezzled.

3. Learned counsel for the applicant submits that the applicant is not the Proprietor of the firm. The applicant was only a worker in the firm of which one Sunita Gupta is the Proprietor. It is submitted that even if the applicant was working as employee of Sunita Gupta, it would not be a case of entrustment to the applicant so as to make out a case of commission of offence under Section 409 IPC.

4. On the other hand, learned State counsel submits that the material so far

collected during investigation is that each and every consignment was received by the applicant and all correspondences, communications and details in the department in the matter of give and take of the paddy are with the applicant only.

5. Taking into consideration the submission of learned counsel for the parties and nature of allegations alleged against the applicant, I am not inclined to grant bail to the applicant.

6. The application is accordingly rejected.

Sd/-

Manindra Mohan Shrivastava
Judge