

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 4328 of 2015**

- Smt. Chameli Deshlahra, w/o. Shri Hemshankar Deshlahra, aged about 46 years, r/o. Village Chainganj, Police Station Gunderdehi, Civil & Revenue District Balod (CG).

---- Applicant

Versus

1. State of Chhattisgarh, Through the Station House Officer, Police Station Gunderdehi, Civil & Revenue District Balod (CG).

---- Respondent

For Applicant	:	Mr. Prateek Sharma, Advocate.
For Respondent/State	:	Mr. Suryakant Mishra, Panel Lawyer

Hon'ble Shri Justice I.S. Uboweja**Order on Board****02/09/2015**

1. This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested on 29-7-2015 in connection with crime No. 212 of 2014 registered at Police Station Gunderdehi, District Balod (CG), for the offence punishable under Sections 406 & 420 of the IPC.
2. The case of the prosecution, in brief, is that the present applicant is proprietor of Avinash Rice Mill, Chainganj, Gunderdehi, registered for paddy custom milling with the Government of Chhattisgarh. As per contract of custom milling with the Government of Chhattisgarh, the applicant has not deposited about 16,581 quintal rice worth Rs.4,00,27,240/- with the Government and thereby she committed the aforesaid offence.

3. Learned counsel appearing for the applicant would submit that the applicant has not committed any offence and has been falsely implicated in the case. He would further submit that the instant case is purely civil in nature. There was time upto 31-12-2014 for depositing the rice whereas the first information report was registered against the applicant on 12-11-2014 which reveals that the offence is registered without application of mind. He would further submit that Rs.25 lakhs of bank guarantee of the applicant and Rs. 22 lakhs of fixed deposit of the applicant has been taken and same has been deposited in the account of department on 18-10-2014 and rest of the amount can be recovered from her after proper calculation as per recovery proceedings. He would further submit that the applicant is a woman aged about 46 years and is in jail since 29-07-2015 and no further custodial interrogation of the present applicant is required by the prosecution, therefore, she may be released on bail.
4. *Per contra*, learned State counsel opposing the bail application would submit that there is sufficient evidence to connect the applicant with the crime in question, therefore, she is not entitled to be released on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the facts and circumstances of the case and nature and gravity of the offences, further taking into consideration the conduct of the applicant in not depositing about 16,581 quintal of rice worth Rs.4,00,27,240/- as a result of which huge loss has been caused to the State Government, economic offence is a grave offence affecting the economy of the country and further taking into consideration that the investigation is still going on,

I am of the considered opinion, *prima facie*, that it is not a fit case where the applicant can be released on bail.

7. Accordingly, the application for grant of bail is liable to be and is hereby rejected.

Sd/-

(I.S. UBOWEJA)

Judge

Raju