

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 1100 of 2015

Rajkumari Agrawal W/o Shyam Lal Agrawal Aged About 60 Years
Occupation - Business (Presently Incapable) R/o Village Dhurkort
Tah. & P.S. Dabhara, Distt. Janjgir - Champa Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh Through - Police Station - Dabhara, Distt. -
Janjgir - Champa Chhattisgarh

---- Respondent

For Applicant	:-	Shri V.V. S. Moorthy Sr. Advocate along with Shri Vineet Kumar Pandey, Advocates.
For Respondent/State	:-	Shri Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02/12/2015

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending her arrest in connection with Crime No. 139/2015, registered at Police Station – Dabhara, District – Janjgir Champa (C.G.) for offence punishable under Section 409 and 34 of IPC.

2. As per the prosecution case, in brief, the applicant is the proprietor of Manohar Rice Mill situated at village Dhurkot which was managed by her two sons namely Anish Agrawal and Gopal Agrawal. The proprietor of the rice mill entered into an agreement for uplifting of 60,000 quintal of paddy out of which 58620.93 quintal of paddy received from custom milling, in lieu, thereof supplied 39276.20 quintal rice, and instead 28528.10 quintal rice was deposited and 10747.92 quintal rice was not deposited. Initially on enquiry made by the Collector the proceedings were drawn and was directed to register an FIR against the applicant.

3. Counsel for the applicant submits that lifting of paddy to the extent of 60,000 was on the basis of three agreements but the third agreement was forged and only two agreements were executed out of which 10747.92 quintal of rice was required to be returned after milling and the Respondent Government Officer have played this manipulation in agreement in order to pass burden on the head of the applicant. He further submits that as per the information supplied and the complaint made against the applicant on 08.05.2015 and subsequently on 18.05.2015, the applicant has pointed deficiencies on the part of the Officers of MARKFED, and in order to save the real culprits this route has been adopted by the State and also amount of proximately Rs. 80,00,000/- have been recovered. He further submits that the applicant being the lady aged about 60 years may be given the benefit of anticipatory bail.

4. State counsel opposes the prayer for grant of anticipatory bail.

5. I have gone through the case diary. Perusal of the case diary shows that the applicant alongwith her sons were managing the affairs of the rice mill. Case diary also shows that because of non supply of rice, the proceeding was drawn before the Collector and ultimately on 25.05.2015 order was passed by the Collector and it was directed to lodged an FIR. Perusal of the case diary further shows that the paddy was lifted till May 2014, however, the rice was not deposited back. The case diary also contains the fact that the applicant alongwith her two sons are absconding which clearly reflected from *Farari* and search panchanama. The case diary further shows that despite the efforts made, the applicant could not be apprehended and certain statements have also been recorded and the investigation is going on.

6. Considering the fact that the applicant is absconding and further taking into account the nature of offence, prima facie, it appears that for non depositing of rice amounting of value of Rs. 1,93,74,300/- part of recovery could be made. Though part of amount of Rs. 80,00,000/- have been recovered by way of RRC and encashment of bank guarantee and the nature of offence are not diluted. The misappropriation came to force after due enquiry. Therefoer, considering the facts it is a case whereby the benefit of section 438 of Cr.P.C. can not be extended and the manner in which the offence has been committed it appears that custodial interrogation of the applicant may be required. Therefore, I am not inclined to grant anticipatory bail to the applicant.

7. Accordingly, the anticipatory bail application is dismissed

Sd/-
(Goutam Bhaduri)
JUDGE