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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4854 of 2015**

- Jay Sing, son of Budhan, aged about 55 years, Caste-Kanwar, resident of Amatoli, Chowki-Kotba, Police Station -Bagbahar, Tahsil-Patthalgaon, District- Jashpur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh, Through: the Incharge, Police Chowki-Kotba, Police Station – Bagbahar, District – Jashpur (C.G.)

---- Non-applicant**MCRC No. 4926 of 2015**

- Rajesh Kumar Agrawal, son of Vijay Kumar Agrawal, aged about 43 years, resident of Kotba, Chowki-Kotba, Police Station-Bagbahar, Tahsil-Patthalgaon, District – Jashpur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh, Through: the Incharge, Police Chowki-Kotba, Police Station – Bagbahar, District – Jashpur (C.G.)

---- Non-applicant

For Applicant:	Mr. J.K. Saxena, Advocate in M.Cr.C. No. 4854/2015.
For Applicant:	Mr. Udhav Sharma, Advocate in M.Cr.C. No. 4926/2015
For Non-applicant/State:	Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/10/2015**

Heard.

(1) Above mentioned two bail applications filed under Section 439 of the Code of Criminal Procedure arise out of a common Crime No.43/2015, registered at Police Chowki-Kotba, Police Station -Bagbahar, District Jashpur (C.G.), for the offences punishable under Sections 409, 420 & 120-B/34 of the Indian Penal Code, therefore, they are being heard analogously and decided by this Common Order.

(2) Case on the prosecution, in brief, is that applicants and two other co-accused persons misappropriated 13,430 quintal of paddy worth Rs. 1,82,64,800/- and thereby stolen the government property.

(3) Shri J.K. Saxena, counsel for the applicant in M.Cr.C. No.4854/2015 would submit that applicant- Jai Singh was working as President of the Adim Jati Sewa Sahkari Samiti, Kotba and as such, he is not responsible for the alleged offences. He further submits that applicant has been falsely implicated in the offence in question as there is no involvement of the President i.e. applicant in the offence in question and all the transactions are done by Fad Incharge Aman Sharma and the applicant is in jail since 11.05.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) Shri Udhav Sharma, counsel for the applicant in M.Cr.C. No.4926/2015 would submit that applicant is owner & Fad

Incharge of the Vjay Shri Rice Mill and no such paddy was given to Vjay Shri Rice Mill and document to that effect has been filed. He further submits that no such paddy has been recovered from the said Rice Mill and, as such, he is not responsible for the alleged offences; and the applicant is in jail since 11.05.2015 and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(5) Taking into consideration the facts & circumstances of the case; and the manner in which applicant are said to have misappropriated 13,430 quintal of paddy worth Rs.1,82,64,800/- and the other material collected by the prosecution against the applicants; and the fact that case of the present applicants is distinguishable to the other co-accused persons, who have been granted anticipatory bail by this Court in M.Cr.C. (A) Nos. 595/2015 & 561/2015, respectively, I am not inclined to release the applicants on bail. Thus, the bail applications are rejected.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-