

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 108 of 2016

1. Bachan S/o Lalman Aged About 48 Years Caste Bhurtiya, R/o Village Kanjiya, P.S. Janakpur, District Korla Chhattisgarh.
2. Shivmurat S/o Lalman Aged About 55 Years Caste Bhurtiya, R/o Village Kannor (Mannod), P.S. Janakopur, District Korla Chhattisgarh.
3. Parigan S/o Rampratap Aged About 45 Years Caste Bhurtiya, R/o Village Kannor (Mannod), P.S. Janakopur, District Korla Chhattisgarh. **Applicants**

Versus

- State of Chhattisgarh Through The Police Station Thana In Charge Janakpur, District Korla Chhattisgarh. **---- Respondent**

For the applicants : Mr. Mahendra Kumar Sahu, Advocate.
For the Respondent : Mr. Sangharsh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02.03.2016

1. Apprehending arrest in connection with Crime No. 69/2014 registered at Police Station Janakpur, Distt. Korla (C.G) for the offences punishable under section 420, 409/34 of IPC, the applicant have filed this application u/s 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the applicants were having less area of land but in order cause loss to the Government Ex-chequer got the benefit of public welfare scheme, they have sold more than the entitlement of paddy to be sold and obtained the government support price. The allegation is that applicant Bachan though

was holding 1.17 hectares, he has sold 483.60 quintals which is much more than the entitlement. Similarly Applicant No.2 Shivmurat was holding 1.77 hectares but he has sold 297.60 quintals and applicant Parigan was holding 3.35 hectares and he has sold 367.20 quintals. According to the policy of the State Government, the applicants are entitled to sell only 36 quintals of paddy per hectares, however, Bachan has sold excess quantity of 439.14 quintals in respect of his 1.17 hectares of land, Shivmurat has sold excess quantity of 230.34 quintals in respect of 1.77 hectares and Parigan has sold excess quantity of 239.90 quintals in respect of 3.35 hectares.

3. Learned counsel for the applicants submits that the applicants are unable to understand as to what offence has been committed. He further submits that as per the registration made in the Society, the agriculturist is entitled to sell the paddy and the same is entered into computer and if more than paddy has been purchased and the area of land holding is less, then the Computer will not accept such sale transaction and therefore no offence has been committed.
4. Per contra, learned State Counsel opposes the prayer for grant of bail and submits that on the basis of forged entries more paddy was sold and thereby the benefit was accrued to the applicants along-with other accused who have made such entries. He further submits that in similar circumstances, the bail of two co-accused Uday Bhan Pratap Singh and Janak Pratap Singh has been rejected by order dated 23.06.2015 passed by the co-

ordinate Bench of this Court in MCRCA No.117 of 2015.

5. Perused the case diary and documents. According to the case diary, though A-1 Bachan was holding 1.17 hectares, A-2 Shivmurat was holding 1.77 hectares and A-3 Parigan Ram was holding 3.35 hectares yet they have sold the excess quantities of 439.14 quintals, 230.34 quintals and 239.90 quintals respectively.
6. Taking into totality of the facts and circumstances of the case and the nature of allegations levelled against the applicants and also considering the fact that bail application of similarly placed co-accused has been rejected by the coordinate bench, I am not inclined to allow this bail petition. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**