

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1017 of 2016

- Pramod Kumar Dubey S/o Shri Vishambhar Dubey Aged About 41 Years R/o C/o Shri Bharatnath Shukla, Shanti Niwas, Near Goyal Hardware, Ward No. 15, Kumhari, Police Station Kumhari, District Durg, Civil & Revenue District Durg, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Kumhari, Civil & Revenue District Durg, Chhattisgarh. --- **Respondent**

For the applicant	:	Mrs. Meena Shastri, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.
For the Objector	:	Mr. B.P. Sharma with Mr. Manaynath Thakur, Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28.06.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 54/2015 registered at P.S. Kumhari, Civil & Revenue District Durg (C.G) for the offence punishable under Section 420, 408, 467, 468, 471, 381, 34 of IPC.
2. As per the prosecution case, the applicant was working as Research Associate in VNR Seeds Private Limited where certain breeds of seeds to be used for agriculture were developed through scientific research and the applicant cheated the Company at different points of time by stealing 20 Kgs. of high breed seeds which were developed by VLR Seeds Pvt. Ltd., through scientific method. It is alleged that the stolen seeds have been sent to co-accused Satendra Kumar who was working in rival Company i.e., Delta

Agrigenetics Pvt. Ltd and thereafter co-accused Satendra Kumar had given information to Deltra Agrigenetics Private Limited, Hyderabad. It is further alleged that the applicant being an employee stolen the seeds and sent it by courier to Satyendra Kumar and other co-accused and has given information about the technical know-how of the development so that the other Company could have produced similar products to sell it in open market.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he has not been in the custody of any stolen seeds (paddy) and it has not been established that the applicant had sent the developed seeds to the other Company through courier. It is further submitted that initially the applicant joined as Research Associate in 2006 as a research associate and thereafter he was promoted on 31.12.2013 and the alleged delivery of paddy is stated to be made on 05.11.2012 & 05.06.2013 which is before the date of promotion, consequently it would go to show that the applicant has been falsely implicated as he is no more in service. It is contended that had there been any charge of stealing Paddy, the applicant would not have been promoted. It is further submitted that the charge sheet in this case has been filed and no further investigation is necessary as all the seizure has already been made and the other co-accused Satendra Kumar and one Chandvir Singh who are said to be employees of rival Company i.e., Delta Agrogenetics Pvt. Ltd., have been enlarged on bail and the applicant is in custody since 14.01.2016, therefore, he may be enlarged on bail.
4. Per contra, learned State Counsel as also learned counsel for the objector oppose the bail application. It is stated that the

applicant being research worker has parted with the paddy which was developed by the VNR Seeds Pvt. Ltd and sent to co-accused Satendra Kumar of Delta Agrigenetics Pvt. Ltd., and the research and technological know-how have also been stolen and transferred to other co-accused Satendra Kumar so that the rival Company could have used the same and therefore the entire allegations of theft of developed breeds of seeds (paddy) and scientific research is against the applicant.

5. Perused the case diary and documents.
6. A perusal of the case diary would show that the entire documents have been seized. The report was made by one Roopam Jouhari on behalf of VNR Seeds Pvt. Ltd. The seizure of the documents would show that the developed seeds which were allegedly stolen were also seized.
7. Considering the documents filed alongwith the charge sheet and the case diary, it appears that the facts are still to be established before the Court that the seeds which were seized were stolen by the applicant. The co-accused Dr. Satendra Kumar and Chandravir Singh have been enlarged on bail by the coordinate Bench of this Court. The charge sheet also shows that investigation is complete.
8. Considering the totality of such facts and circumstances and taking into documentary evidence as also the fact that the seizure has already been made, the trial may take some time and further looking to period of detention of the applicant as he is stated to be in jail since 14.01.2016 whereas the other co-accused have been enlarged on bail by the coordinate Bench of this Court , I am inclined to release the present applicant on bail.
9. Accordingly the bail application is allowed and the applicant

is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

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