

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. (A) No. 180 of 2016

Mahendra Kumar Bareth S/o. Late Ganesh Ram, aged about 37 years, caste Dhobi, R/o. Village Bhathapara, P.S. Bhatapara (Town) District Balodabazar, Bhatapara, (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through - the District Magistrate, Balodabazar, Bhatapara, (C.G.) of the Station House Officer, P.S. Bhatapara (Gramin) District Balodabazar, Bhatapara (C.G.)

---- Respondent

For Applicant	:-	Mr. N.K. Chatterjee, Advocate
For Respondent/State	:-	Mr. Gray Mukhopadhyay, Dy, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

02/03/2016

1. Apprehending arrest in connection with Crime No 274/2015 registered at Police Station- Bhatapara, Gramin, District Balodabazar- Bhatapara, (C.G.) for the offence punishable under section 420, 409 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicant was working as in-charge of paddy collection centre, Devri/Suma and on physical verification having been made, it was found that 94466.63 quintals of paddy was missing total worth Rs. 1,50,20,11,941/-. The said misappropriation came to the knowledge of the higher authority therefore, the investigation was made.
3. Counsel for the applicant would submit that the report was made in the year 2015 and the incident is alleged to have been committed in the year 2013-14 and is no explanation has been given by the prosecution for delay in lodging the report. It is further submitted that the departmental enquiry was

also conducted wherein the applicant is facing such departmental enquiry, consequently, no further evidence is required therefore, the applicant may be given the benefit of anticipatory bail.

4. Per contra, State counsel opposes the prayer for anticipatory bail and would submit that when the physical verification was made it was found that the applicant has misappropriated 94466.63 quintals of paddy which was total worth Rs. 1,50,20,11,941/- and certain stocks were also shown to be manipulated. Therefore, the applicant should not be given the benefit of anticipatory bail.

5. Perused the case diary and the enquiry report, prima-facie, it shows that physical verification was made and it was found that huge quantity of paddy was missing worth more than Rs. 1,50,20,11,941/-. Prima-facie, enquiry would show that no account was maintained which shows that there has been mis-interpolation in the account also. Taking into the fact and the nature of offence and the way it has been committed, I am not inclined to grant anticipatory bail to the applicant.

5. Accordingly, the anticipatory bail application is dismissed

Sd/-
(Goutam Bhaduri)
JUDGE