

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A) No. 224 of 2016

1. Hemant Shrivastava, S/o. Prabhusharan Shrivastava, aged about 37 years, R/o. Village-Kotmi, Chowki-Kotmi, Police Station-Pendra, District-Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, through : the Station House Officer, Police Station – Gourela, District- Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Yogendra Chaturvedi, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/03/2016

1. Apprehending arrest in connection with Crime No.49/2016 registered at Police Station- Gourela, District – Bilaspur (C.G.), for offence punishable under Section 407, 409, 420 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, the applicant in connivance with the in-charge of paddy collection centre, Lohara Jhorki of Pendra Road without delivery order has taken away 2542 quintals of paddy for the year 2014-15 which was worth Rs.40.00 Lakhs. Thereby the offence has been committed.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case since he had an agreement to lift the paddy for the earlier years and he has worked for 2010, 2014-15 and lifting of paddy was made and certain documents have been

misused and actually 5 rice millers have taken away the paddy, therefore, in order to save them, false allegations have been levelled against the applicant. He would further submit that FIR has been grossly delayed and without any notice the finding was given against the applicant that he has lifted the paddy, therefore, the counsel submits that the applicant may be extended the benefit of anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. Case diary contains voluminous documents, which also contains a letter of the applicant, who is the proprietor of C.G. Rice Mill and certain paddy were lifted from 07.04.2015 onwards and on different dates. Therefore, in view of the same, the argument advanced by the learned counsel for the applicant can not be appreciated at this stage that no paddy was lifted by the applicant and the earlier documents have been misused. Taking into such fact, it is not a case, where the custodial interrogation of the applicant may not be required and the benefit of Section 438 can be extended to the applicant.
6. Accordingly, the anticipatory bail application is dismissed.

Sd/-
(Goutam Bhaduri)
Judge