

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1603 of 2016**

Sharad Bhrigu, S/o late Shivkumar Bhrigu, aged about 45 years,
R/o J.N. Industries, Lal Bahadur, Shastri Ward Bhathapara, P.S.
Bhathapara City, District Balodabazar-Bhatapara (CG).

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police
Station Bhathapara Gramin, District Balodabazar-Bhatapara
(CG).

---- Non-applicant

For Applicant	:	Shri Awadh Tripathi, Advocate
For Non-applicant/State	:	Shri Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**C.A.V. Order****27/04/2016****(1)** Heard.

(2) This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.304/2015 registered at Police Station Bhathapara Gramin, District Balodabazar-Bhatapara for the offence punishable under Sections 406, 409, 420 of the Indian Penal Code.

(3) Case of the prosecution, in brief, is that, present applicant being proprietor of J.N. Industries, Bhathapara entered into contract with

complainant District Marketing Officer, Balodabazar-Bhathapara for the year 2014-2015 for custom milling of paddy on 03.12.2014, but without delivery order withdrew 8528.11 quintals of paddy amounting to Rs.1,35,59,695/- but did not deposit milled rice and, thereby, committed the aforesaid offences.

(4) Learned counsel appearing for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the crime. There is no connection of the present applicant in crime in question. He further submits that he has supplied the entire milled rice except 563 quintals and upon notice being issued on 15.09.2015 by District Marketing Officer, he has also deposited the said 563 quintals of milled rice charge-sheet has already been filed, he is in jail since 04.12.2015 and no useful purpose will be served by keeping him in jail and, as such, dispute is arbitrable dispute under the agreement and no criminality is involved in this case, therefore, bail application may be allowed and he may be released on bail.

(5) On the other hand, learned counsel for the State submits that the applicant has not released public money by non-depositing the milled rice worth more than one crore and, therefore, he is not entitled for grant of bail.

(6) I have heard learned counsel appearing for the parties and perused the case diary.

(7) Taking into consideration the facts and circumstances of the case, nature and gravity of the offence, material collected by the prosecution and the manner in which, after lifting 8528.11 quintals of

paddy the petitioner failed to deposit the milled rice and said to have misappropriated a sum of Rs.1,35,59,695/- and the material available in the case diary, I do not consider it a fit case to release the applicant on bail. Consequently, the bail application is rejected.

(8) Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

L/-