

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 519 of 2016

- Kamlesh Singh S/o Shivmurat Singh Aged About 26 Years
Caste Gond, R/o Village - Ghatai, Police Station Janakpur,
District Korea Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through the Station House Officer,
Police Station Janakpur, District Korea Chhattisgarh. ---
Respondent

For the applicant	:	Mr. Mahendra K. Sahu Advocate
For the Respondent	:	Mr. Satish Gupta, Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.07.2016

1. Apprehending arrest in connection with Crime No. 69 of 2014 registered at P.S. Janakpur, District Korea (C.G) for the offence punishable under Sections 420, 409/34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, the applicant who was working as computer operator in the paddy collection center of Kanjiya with the connivance of other co-accused made an entry over and above the holding of farmers thereby the Government was required to pay for more purchase of paddy on the best price fixed by the Government which caused loss to the revenue exchequer of State.
3. Learned counsel for the applicant submits that the applicant was only discharging his job of computer operator and whatever were certified by the Manager of Society, Patwari & Tahsildar, the entry was made on that basis and he has no role or power to alter the same. Therefore, the actual entry

was made at the behest of Manager and Patwari and the applicant has not played any role while making the extent of area of land in respect of villages.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the case diary and the documents. A perusal of the case diary would show that the applicant was also bestowed with the duty to make entry and whether the entry was made by the applicant himself or it was made at the direction of the other co-accused is a matter of defence. A perusal of the documents available on record would show that the same do not support the prima facie contention/argument of the applicant, at this stage. Therefore, I am not inclined to extend the benefit of anticipatory bail at this stage.
6. The bail application filed u/s 438 Cr.P.C., is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**