

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1320 of 2015

Babulal Dahariya S/o. Late T.R. Dahariya, Aged about 61 years, District Marketing Officer, Chhattisgarh State Marketing Federation (Chhattisgarh Rajya Vipdan Sangh Maryadi) Baikunthpur, Police Station and Post Baikunthpur, Civil and Revenue District Korea (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Police Station Khargawan, District Korea (C.G.)

---- Respondent

For Applicant	:-	Mr. Manoj Paranjpe, Advocate
For Respondent/ State	:-	Mr. Anil S Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23/02/2016

1. Apprehending arrest in connection with the Crime No. 132/2015, registered at Police Station Khargawan, District – Korea (C.G.) for the offence punishable under section 409,420,467,468,471 of Indian Penal Code. The applicant has filed this application under Section 438 of Cr.P.C. for grant of anticipatory bail.

2. Case of the prosecution, in brief, is that the applicant was working as District Marketing Officer in Adim Jati Sewa Sahakari Samiti, Jilda. On 08.04.2015, the physical verification was carried out in the said center by Nodal Officer and it was found that 64 quintals of paddy was transported, though the entry was made in the computer but was not available in physical verification which are shown to be transported on the fake challan of receipt. Therefore, an inquiry was made and it was found that the balance is Nil and as such, the FIR was registered.

3. Counsel for the applicant submits that the allegation of bogus transportation has been levelled against this applicant and subsequently it was found that the said paddy was transported to the different millers and the millers received the paddy, Therefore he submits that no offence is made out against this applicant, as such he may be given the benefit of anticipatory bail.

4. Per contra State counsel opposes the prayer for grant of bail.

5. On 22.01.2016, State Counsel was directed to verify the fact and make his submission. He submits that on the basis of information given by the Police on 14.02.2016 to the Advocate General Office, it reveals that according to the statement of Shrikant Chandrakar, the paddy which was stated to be missing or made under the bogus transportation were actually on the way to the miller and in physical verification the paddy was not present.

6. Perused the case diary and the statement. After perusal of the statement of Shrikant Chandrakar which is part of the case diary wherein bogus transportation has been diluted, prima-face, this Court is of the opinion that the present is the fit case where the applicant should be enlarged on anticipatory bail.

5. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions:-

(i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;

- (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE