

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 1349 /2015

Narayan Gabel, S/o. Narmada Prasad, Aged About 56 Years, Caste Gabel, Occupation Agriculturist, R/o. Village Lachhanpur, P.S. Baradwar, Distt. Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, P.S. Baradwar, Distt. Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant : Mr. Gurudev I. Sharan, Advocate

For Respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

02/02/2016

1. Apprehending arrest in connection with Crime No.213/2015 registered at Police Station- Baradwar, District Janjgir-Champa (C.G.) for the offence punishable under Section 409, 34 of the Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the applicant who was working in the Paddy Procurement Center of Kadari was entrusted with the work of making entry while paddy comes and issue the certificate and the entries were being made in the Computer. When the inspection was made, it was found that 9006.86 quintal paddy should have been present but on physical verification 4449.64 quintal paddy were found thereby 4557.22 quintal paddy were missing, therefore, the enquiry was made and the offence has been registered.
3. Learned counsel for the applicant submits that the entire in-charge of the paddy center was one Ashok Singh Thakur and this applicant

was only entrusted with the work to issue the certificate for the paddy, which is procured and if the paddy was missing the sole responsibility is of Ashok Singh Thakur; therefore, the present applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary, documents and enquiry. Taking into fact that the applicant was also in the helm of affairs with the other co-accused and the paddy was procured and was kept and considering the documents, which is filed, this is not a case where the benefit of Section 438 can be extended to the applicant, as perusal of the case diary would indicate that it is not a case wherein it can be assumed that custodial interrogation may not be required.
7. Accordingly, the anticipatory bail application is rejected.

Sd/-
(Goutam Bhaduri)
Judge