

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 589 OF 2016**

1. Nirmal Das Vaishnav S/o Shyamdas Vaishnav, aged about 50 years, Manager, Seva Sahkari Samiti Kanakbira, up-kendra Kapartunga, R/o village Kanakbira, Police Station Sarangarh, District Raigarh (CG)
2. Lakhan Lal Chouhan S/o Kiritram Chouhan, Incharge Seva Sahkari Samiti, Kanakbira, upkendra Kapartunga, R/o Village Kanakbira, Police Station Sarangarh, District Raigarh (CG)

---Applicants**Versus**

State of Chhattisgarh Through : Police Station Sarangarh, District Raigarh (CG)

---Non-applicant

For Applicants :	Mr. Anil Gulati, Advocate.
For-Non-applicant :	Mr. Neeraj Sharma, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****22/02/2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 113/2014, registered at Police Station-Sarangarh, District-Raigarh (CG), for the offence punishable under Sections 420, 467, 468, 471 & 120B read with Section 34 of the IPC and Sections 3 & 7 of the Essential Commodities Act.

2. Case of the prosecution, in brief, is that, when the applicants were working as Manager and In-charge of Seva Sahkari Samiti, Kanakbira 788 quintal of paddy was found short. It is further alleged that paddy in excess of actual area of land of the agriculturist was recorded in the records of the

Society and thereby committed the aforesaid offences.

3. Learned counsel for the applicant would submit that applicants have not committed any offence and they have falsely been implicated in crime in question. He would further submit that shortage of paddy may be for various reasons including transportation loss, rain and many times lack of proper storage facility and no criminal action is involved. They are in custody since 6.1.2016 and charge-sheet has already been filed and therefore, they may be released on regular bail.

4. Learned State counsel would oppose the bail application and submit that the applicants were directly responsible for receipt and verification of paddy from the agriculturist as also responsible for safe custody of paddy.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case; further taking into consideration the nature & gravity of offence; role of the present applicant and the fact that huge quantity of paddy amounting to ₹10,33,328/- was found short, this Court is not inclined to release the applicants on regular bail.

7. Accordingly, bail application filed under Section 439 of the Cr.P.C. is rejected.

8. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-