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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2222 of 2016**

Ramesh Kedia, son of late Abirchand Kedia, aged about 59 years, resident of Ambedkar Chowk, Baloda Bazar, Police Station City Kotwali, Baloda Bazar, District Baloda Bazar (CG).

---- Applicant**Versus**

State of Chhattisgarh, through Station House Officer, Police Station City Kotwali, Baloda Bazar, District Baloda Bazar (CG).

---- Non-applicant

For Applicant	:	Ms. Fouzia Mirza, Advocate
For Non-applicant/State	:	Shri Dhiraj Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****03/05/2016****(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.442/2015 registered at Police Station City Kotwali, Baloda Bazar, District Baloda-Bazar for the offence punishable under Sections 406, 409, 420 of the Indian Penal Code and Sections 3 & 7 of the Essential Commodities Act.

(3) Case of the prosecution, in brief, is that, present applicant being Director of the firm Seth Banshidhar Kedia Rice Mill Private Limited, Khairghata entered into contract with complainant District Marketing

Officer, Baloda Bazar for the year 2013-2014 for custom milling of paddy on 07.02.2014 and lifted 62,400.71 quintals of paddy, but only deposited milled rice 29.67 quintals and he did not deposit 12.100 quintal milled rice amounting to Rs.2,93,79,901/- and, thereby, misappropriated the same and 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 the milled rice supplied by the applicant, which has been rejected time to time by Food Corporation of India. He also further submits that even the Chhattisgarh State Civil Supplies Corporation has refused to accept the milled rice on the ground that there is no vacant space for keeping the milled rice and charge-sheet has already been filed, he is in jail since 03.12.2015 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 two 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 62,400.71 quintal of paddy, the petitioner failed to deposit the requisite milled rice and thereby said to have misappropriated a sum of Rs.2,93,79,901/- and the material available in the case diary in this regard, 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/-