

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C (A) No. 1298 of 2015

Rajkaran Singh S/o. Shri Dhyan Singh, Aged about 27 Years, by Caste-Gond, R/o. Village Ghatai, P.S. Janakpur, Tahsil Bharatpur, District Korea (C.G.)

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Janakpur, District : Korea (Chhattisgarh)

---- Respondent

For Applicant	:-	Mr. Mahendra K. Sahu, Advocate.
For Respondent/State	:-	Mr. Sangharsh Pandey, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01/02/2016

1. This application under Section 438 of Cr.P.C. has been filed by the applicant apprehending his arrest in connection with Crime No.69/2014, registered at Police Station – Janakpur, District – Korea (C.G.) for offence punishable under Section 420,409/34 of Indian Penal Code.

2. Case of the prosecution, in brief, is that the applicant who was working as Choukidar and to weight paddy at Aadim Jaati Sahkari Samiti. The applicant has weighted and purchased more quantity of paddy which was prescribed by the Government i.e. 36 quintal per hectare. Thereby, the applicant along with the others have caused lose to the government exchequer which is against the public welfare scheme. Thereby, the offence is committed.

3. Counsel for the applicant submits that the applicant has been falsely implicated in this case. He further submits that the applicant was

working as dailywages chowidar at Rs. 100 per day and his job only to weighment of paddy as was being brought. He further submits that neither he has made any entry in the computer nor any payment has been made by this applicant. He further submits that as the paddy which was given by the society members, only weightment was made by the applicant and he was not in position to refuse the same, therefore, he may be given the benefit of anticipatory bail.

4. State counsel opposes the prayer for grant of anticipatory bail.

5. Perusal of the case diary, the statement of the Manager of the society and the other evidence, which shows that the work of weightment of paddy was attributed to this applicant along with the others. Taking into the fact, prima-facie, the role of the applicant was limited only to weighment of the paddy neither he has made any entry in the computer nor any payment has been made by this applicant, therefore, considering the role played by this applicant, this Court is of the opinion, that prima facie it is a fit case where the applicant can be extended the benefit of anticipatory bail.

6. 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 him 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 him/her 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 her by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE

Santosh