

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 979 of 2016

- Mohan @ Mohan Singh Jangde S/o Hiranman Jangde Aged About 52 Years (Samiti Prabandhak Now Suspended) Gramin Sewa Sahkari Samiti Village Bawankara Branch Jhalap, Under District Co Operative Central Bank Maryadit Raipur, District Raipur, Chhattisgarh. At Present R/o Village Lamidih, Police Station Pithora, District Mahasamund, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Patewa, Civil & Revenue District Mahasamund, Chhattisgarh.

--- Respondent

For the applicant : Mr. Janak Ram Verma, Advocate.
For the State : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

25.11.2016

1. Apprehending arrest in connection with Crime No. 88/2016 registered at Police Station Patewa, Distt. Mahasamund (C.G) for the offences punishable under Sections 420, 409/34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, the applicant was In Charge of the Paddy Procurement Center, Bhawankera for the year 2013-2014. It is alleged that the present applicant without there being DO has given 4369.55 quintals of paddy to the Rice Mills which was against the Government Scheme thereby Rs.1,69,74,833/- was found to be misappropriated in purchase of paddy on supporting price for the year 2013-2014. It is further

alleged that the applicant was in-charge of the paddy for the said period and the other accused along-with the present applicant at different points of time have also committed offence.

3. Learned counsel for the applicant would submit that the applicant has been falsely implicated and he was served with a show cause notice wherein Rs.8,82,089/- was shown to be less as per Annexure A-3 which was adequately replied and the applicant was not In-charge of the said paddy and the rest amount was already deposited in the account, thereby the applicant has been falsely implicated in this case.
4. Per contra, learned State Counsel opposes the prayer.
5. Perused the case diary and the enquiry report. In the enquiry report defalcation has been shown against the applicant.
6. Taking into the case diary and other documents, it is not a case where the benefit of section 438 Cr.P.C., can be extended. Therefore, I am not inclined to allow this bail application. Accordingly, it is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**