

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5849 of 2016**

- Sadhuraam Yadav S/O Kanhaiya Yadav Aged About 30 Years R/O Village Chowkbeda, Police Station & Post Patewa, Civil & Revenue District Mahasamund Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh Through Police Station Patewa, District Mahasamund Chhattisgarh

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate.

For Respondent/State : Mrs. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****27-09-2016**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested on 19-05-2016 in connection with Crime No. 88 of 2016, registered at Police Station Patewa, District Mahasamund (CG) for the offence punishable under Sections 420 and 409 read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that an enquiry was made by one M.P. Shriwas, Sr. Co-operative Inspector who has submitted the report in which it was found that in the year 2012-2013 and 2013-2014 in Paddy Collection Centre at Bawankera one Mohan Singh Jangde has mis-appropriated the paddy and against the present applicant in Paddy Collection Centre at Chaukbeda wherein applicant Sadhuraam Yadav has shown shortage of paddy of 2285.64 quintals which was amounting to Rs.29,98,275.50 and he misappropriated the same. The said shortage was found in the enquiry conducted by M.P. Shriwas, Sr. Co-operative Inspector. It was further stated that the applicant along with other co-accused of the paddy procurement centre and rice miller had committed such offence.

3. Learned counsel appearing for the applicant would submit that applicant has been falsely implicated in the case. Initially no allegations have been attributed to the applicant when enquiry was made in the year 2015, but subsequently again on the basis of initial report, a special report was made in which allegations have been attributed to the applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 19-5-2016 and no further investigation is required, therefore he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application.
5. I have heard learned counsel for the parties, perused the case diary and documents which would show that the applicant being In-charge of Paddy Procurement Centre at Chaukbeda has shown shortage of 2285.64 quintals of paddy which was amounting to Rs.29,98,275,50 and Mohan Singh Jangde has also shown the loss and they misappropriated the same.
6. Taking into consideration all the facts and circumstances of the case, further considering the nature and gravity of the offence and the manner in which the Government paddy has been misappropriated and the role played by the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the application filed under Section 439 of the Cr.P.C., is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju