

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7068 of 2016

Shivam Chandra, S/o. Gaselal, Aged About 40 Years, R/o. Village Kumhari, Thana- Koshir, Tahsil Sarnggarah, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, District Magistrate, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. U.K. Singh Chandel, Advocate

For Respondent : Mr. Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16.11.2016

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 in connection with Crime No.57/2012 registered at Police Station- Koshir, District Raigarh (C.G.) for the offence punishable under Section 420, 467, 468, 409/34 of Indian Penal Code and Section 3, 7 of the Essential Commodities Act.
2. As per the prosecution case, the applicant who was the President of Sewa Sahakari Samiti Gatadih wherein three paddy centers were located had purchased paddy but while sending the same to the government, the weighments were manipulated thereby misappropriation of Rs. 26,80,869.60 has been caused, which came to fore when the special inspection was made and the audit was carried out.
3. Learned counsel for the applicant would submit that the applicant was the President and he had not committed the offence in person whereas in the paddy procurement center, it was managed by some other persons and all the documents have been seized and

no further investigation would be necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the documents. The incident is of the year 2011 and thereafter the audits were carried out. Subsequently during the audit, it was found that the applicant has misappropriated the amount. The applicant has also filed a special audit report as Annexure A-2, which goes in his favour. Considering the totality of the case and the fact that the charge sheet has been filed and all the evidences appears to be documentary in nature, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge