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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6980 of 2016

- Devsharan Singh S/o Gayadeen Singh Aged About 27 Years R/o Village Kanjiya, Police Station Janakpur, Tahsil Bharatpur, District Korea, Chhattisgarh. **--- Petitioner**

Versus

- State of Chhattisgarh through The Station House Officer, Police Station Janakpur, District Korea, Chhattisgarh. **--- Respondent**

For the applicant : Mr. Mahendra K. Sahu, Advocate
For the Respondent : Mr. Anupam Dubey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

09.11.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 69/2014 registered at P.S. Janakpur, Distt. Korea (C.G) for the offence punishable under Sections 420 & 409/34 of IPC.
2. As per the prosecution case, the applicant was working as daily wage employee i.e., Choukidar and was also doing the duty of weighing paddy at Aadim Jaati Sahkari Samiti. It is alleged that the applicant has weighed and purchased more quantity of paddy over and above the prescribed limit of 36 quintals per hectare thereby he alongwith other accused have caused loss to the Government exchequer which is against the public welfare Scheme.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated in this case as he was working as a daiy-wage chowkidar @ Rs.100/- per day and his job was to weigh the paddy which was brought by the

farmers/members of the Society and neither he made any entry in the Computer nor made any payment to the beneficiaries. He further submits that when the paddy was brought by the Society members, only he used to weigh the paddy and he was not in a position to refuse the same, therefore, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.

5. Perused the case diary and the statements of Manager of the Society and other documents which would go to show that the work of weighment of paddy was attributed to this applicant alongwith others and as such the role of the applicant was limited only to weighment of paddy. Neither he made any entry in Computer nor made any payment to the farmers. Therefore considering the role played by the applicant, this Court is of the considered view that it is a fit case where the applicant can be enlarged on regular bail.

6. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

GOUTAM BHADURI
JUDGE

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