

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8148 of 2016

Dhanpat Prasad Kushwaha, S/o. Ram Mani Kushwaha, Aged About 65 Years, R/o. Village Ghatai, Police Station- Janakpur, Tahsil Bharatpur, District Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station Janakpur, District Korea, Chhattisgarh

---- Respondent

For Applicant : Mr. Mahendra K. Sahu, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/12/2016

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.69/2014 registered at Police Station- Janakpur, District Korea (C.G.) for the offence punishable under Section 420 & 409/ 34 of Indian Penal Code.
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 similarly placed co-accused Devsharan Singh has been enlarged on bail by this Court on 09.11.2016 in MCRC No. 6980 of 2016 and the case

of the present applicant is similar, therefore, he may also be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, he is not able to dispute the fact that the other similarly placed co-accused has been enlarged on bail.
5. Perused the case diary and the documents. Considering the facts and circumstances of the case and further considering the fact that the similarly placed co-accused has been enlarged on bail, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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