

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4186 of 2017

Rajendra Prasad Sahu S/o Kheekram Sahu, Aged About 28 Years R/o Village Dokridih, Police Chowki Bhatgaon, Police Station Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Chowki Bhatgaon, Police Station Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Vaibhav Goverdhan, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

And

MCRC No. 4227 of 2017

Raj Kumar Chawale S/o Yad Ram Chawale, Aged About 33 Years Caste Satnami, R/o Barbhatha, Police Chowki Bhatgaon, Police Station Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Chowki Bhatgaon, Police Station Bilaigarh, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicants	:	Shri Raghavendra Pradhan, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/11/2017

1. Learned counsel for the applicants submits that the applicants are in jail since 22.3.2017 and 3.3.2017 respectively in connection with Crime No. 313 of 2016 registered in Police Station Outpost Bhatgaon, P.S. Bilaigarh, District Balodabazar, Chhattisgarh for the offences under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.
2. It is alleged that 264.22 quintals of excess paddy of Rs.3,72,550/- was purchased by Primary Agricultural Cooperative Committee, Tirda, registration No. 1583 for the year 2015-2016, by making false entries by falsely enhancing the area of land of the farmers in contravention to the policy of the State Government regarding paddy purchase. The applicants have been held responsible and involved on the ground that at the relevant time, they were working as Data Entry Operator and Far (फर) In-charge respectively. It is submitted that even if it is admitted that the excess paddy was purchased by the said Samiti in that case, the transferred money is with the farmers and not with the applicants. There is no evidence to show that the applicants have benefited out of this paddy purchase business in any manner. Hence, the offences for which the applicants are proposed to be prosecuted are not made out on the basis of the material in the charge-sheet. Hence, it is prayed that the applicants may be enlarged on bail.
3. On the other hand, learned counsel for the State opposed the bail application and submissions made on behalf of the applicants. It is submitted that according to the paddy purchase policy of the State Government, purchase made for the benefit of farmers for which the amount of paddy is purchased from the farmers in accordance with the area of the land in their possession and cultivation. The applicants have made false entries of increased area of the land in possession and cultivation of the farmers, thereby excess paddy has been purchased

with wrongful intention and for the purposes of wrongful gain. Hence, it is submitted that the applicants are not entitled for bail.

4. Perused the case diary.
5. Considering the facts that the petitioners are in jail since 22.3.2017 and 3.3.2017 respectively, the investigation has been completed and the trial is due to begin, that the applicants are local residents of the area and that as per the statements made they have a case to defend, hence, on the basis of these reasonings this is a fit case to allow the application of the applicants.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on each of them 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 their appearance as and when directed.

Sd/-
(Manindra Mohan Shrivastava)
Judge