

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 537 of 2017

Harishankar Nirala S/o Shyam Lal Nirala, Aged About 34 Years
Occupation Agriculturist (Prachar Mantri B J P Mandal Kosir) R/o Village
Barbhatha, Kosir, Tahsil Sarangarh, District Raigarh, Chhattisgarh.
----Applicant

Versus

State Of Chhattisgarh Through The District Magistrate Raigarh, Through
Police Station Kosir, District Raigarh, Chhattisgarh
---- Respondent

For Applicant	:	Shri Raghvendra Pradhan, Advocate.
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

30/11/2017

Heard.

1. The applicant has filed this application for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No.33 of 2016 registered at Police Station Kosire, Distt. Raigarh, for the offence punishable under Sections 406/34 IPC.
2. The allegation against the applicant as per prosecution is that, the applicant being the member of Seva Sahkari Maryadit Ulkhar Dhan Uparjan Kendra Bardula, is said to have got his relative appointed as “Fad In-charge” and with the help of said incharge got the records manipulated so far as sale and purchase of paddy in the said centre is concerned.
3. Learned counsel appearing for the applicant submits that a false allegation has been made against the applicant for the reason that in the past, the applicant has made various complaints against the members of the said centre in respect of misappropriation and illegality in the sale and purchase of paddy and the functioning of the society. It is also submitted that a perusal of the entire case diary would reflect that there is no direct involvement of the applicant in the alleged misappropriation of the paddy and that the sole allegation being attributed against the applicant is that of giving instructions to the members of the said collection centre where his relative is appointed as

“Fad in charge” and have also played active role in giving instructions to the Computer Operator to feed incorrect data so far as sale and purchase of paddy is concerned. Thus, there is no direct involvement of the applicant in commission of the offence and therefore he may be granted anticipatory bail.

4. Counsel for the State however opposes the application and submits that it is a case where the role of the applicant appears to be of conspirator and therefore, he is not entitled for bail. The entire misappropriation and illegality have been done at the collection centre Bardula at the behest of the applicant.

5. Having heard learned counsel for the parties and taking into consideration the total facts and circumstances of the case, prima facie there does not appear any direct involvement of the applicant in commission of the said offence except for an allegation of being a conspirator or conspiracy for commission of the offence, this court is of the view that it is a fit case to grant anticipatory bail to the applicant.

6. Accordingly, the application is allowed. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:

- i. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
- ii. The accused/applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- iii. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- iv. The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

7. Certified copy, as per rules.

Sd/-

(Manindra Mohan Shrivastava)

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