

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 748 of 2017

- Rajkumar Singh Thakur S/o Late Pawan Singh Thakur, Aged About 53 Years Lekhapal Shah Vipran Sanstha Mungeli, R/o Subhash Ward Mungeli, District Mungeli Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through P. S. City Kotwali, Mungeli, District Mungeli, Chhattisgarh.

---- Respondent

For the applicant : Mr. N.L.Soni, & Mr. Varun Sharma,
Advocates.
For the State : Mr. Neeraj Sharma, Dy. Govt. Adv.

MCRCA No. 744 of 2017

- Shivratan Singh Rajput S/o Shri Hanuman Singh Rajput, Aged About 40 Years Kerosene Vendor, R/o Mungeli, Police Station City Kotwali, Tahsil And District Mungeli, Chhattisgarh. ---

Petitioner

Versus

State of Chhattisgarh Through Station House Officer City
Kotwali, District Mungeli, Chhattisgarh. --- **Respondent**

For the applicant : Mr. Vinay Pandey, Advocate.
For the State : Mr. Neeraj Sharma, Dy. Govt. Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

06.12.2017

1. Apprehending arrest in connection with Crime No. 383/2017 registered at Police Station City Kotwali, District Mungeli, Chhattisgarh, for the offences punishable u/ss 409, 34 of IPC and section 3/7 of the

Essential Commodities Act the applicants have filed these applications u/s 438 of the Code of Criminal Procedure. Since both these applications are relating to the same crime number, they are decided by this common order.

2. As per the prosecution case, applicants were working as Lead Manager and salesman in Government Cooperative Marketing Federation and they alongwith other accused collected huge amount of Rs.46 lakhs meant for distribution of Kerosene oil under PDS and siphoned of the said amount in different ways. Consequently the kerosene oil could not be procured and distributed though the amount was deposited in the account of Marketing Federation, thereby the applicants along-with other accused have committed offence.
3. Learned counsel for the applicants submits that applicants were working as lead manager and salesman and they do not have power of withdrawal of money. He further submits that nowhere the applicants are responsible for any act, and they have not made any misappropriation of amount but the the expenditure was incurred on the other heads, therefore, no criminality can be attributed to the applicants.
4. Per contra, learned State Counsel opposes the prayer.
5. Considering the facts and circumstances of the case especially the fact that the investigation is still going on and the applicants are still at large and since the nature of allegations would show that a total sum of Rs.46 lakhs was siphoned off in different ways, at this stage, it

cannot be said that custodial interrogation of the accused/applicants may not be required. Therefore, I am not inclined to admit the applicants to anticipatory bail. Accordingly, both these applications are rejected.

**Sd/-
GOUTAM BHADURI
JUDGE**

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