

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6066 of 2017**

- Dharmjit Singh Rajput S/o Mani Singh Aged About 52 Years R/o Village Bhatgaon , Out Post Bhatgaon Police Station Bilaigarh District Baloda Bazar Bhatapara Chhattisgarh.

---- Petitioner

Versus

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

And**MCRC No. 4613 of 2017**

- Rupesh Kumar S/o Late Geeta Ram Sahu, Aged About 28 Years R/o Village Raikona, Police Station Sarsiva, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Petitioner

Versus

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

---- Respondent

For the Petitioners : Shri Amiyakant Tiwari and Shri Raghavendra Pradharn, Advocates.

For the Respondent/State : Shri O.P. Sahu, Government Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****25.10.2017**

1. Heard on application under Section 439 of Cr.P.C.
2. As both the MCRC arise out of the same crime number and incident, they are decided by this common order. These are their first bail

applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to them, who have been arrested in connection with Crime No. 314/2016, registered at Police Station –Bilaigarh, District – Baloda Bazar Bhatapara, Chhattisgarh for the offences punishable under Sections 420, 467, 468, 470 and 471/ 34 of the Indian Penal Code.

3. It is submitted by learned counsel for the applicants that applicant No.1 (Dharmjit Singh Rajput) is a Centre In-charge and applicant No.2 (Rupesh Kumar) is a Computer Operator and they had been employed in the Prathmik Krishi Sakh Sahakari Samiti Maryadit, Bhatgaon, during the period when paddy was being purchased from the farmers in accordance with the policy of the State Government. It is alleged that applicants had been instrumental in showing the inflated area of the cultivation of the land of the farmers of the respective areas in fraudulent manner, because of which 1963.30 quintals of excess paddy was purchased worth of Rs. 27,68,817 /- in violation of the policy of the Government and causing loss to the State exchequer. It is submitted that applicants in both the cases are not beneficiary of any of the transaction as the price of paddy was transferred to the Bank account to the farmers and the statement of farmers recorded by Investigating Officer in this case clearly shows that farmers have received the price of the paddy, hence, there is no case against the applicants, therefore, it is prayed that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail

applications and the arguments submitted in this respect. It is submitted that the evidence and investigation report is sufficient against the applicants and there is evidence to show that applicants had been beneficiary of the defalcation so occurred, hence, the applicants are not entitled for grant of bail.

5. Heard counsel for both the parties and perused the case diary.
6. Considering the submission and the contents of the case diary it appears that prosecution has to lead specific evidence to show that applicants have been benefited from the transaction as aforementioned. Considering, totality of the case and the facts that the applicants are in jail since quite some time, no purpose would be solved if the applicants are kept in detention during the period of the trial, this Court is of the opinion that this is a fit case where the applicants are entitled to get bail
7. Consequently, both the applications (MCRC No.6066/2017 and MCRC No.4613/2017) filed under Section 439 of the Cr.P.C. are hereby allowed. 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 each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
8. Certified copy as per rules.

Sd /-

(Rajendra Chandra Singh Samant)
Judge