

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1142 of 2016

1. Parasram Patel S/o Santram Patel Aged About 44 Years R/o Village Kariyatar, Police Station & Tahsil Bilaigarh, District Balodabazar- Bhatapara, Chhattisgarh.
2. Biharilal Verma S/o Parasram Verma Aged About 25 Years R/o Daubandhan, Police Station & Tahsil Bilaigarh, District Balodabazar- Bhatapara, Chhattisgarh. --- **Applicants**

Versus

- State of Chhattisgarh through, S.H.O. Police Station Bilaigarh, District Balodabazar- Bhatapara, Chhattisgarh. ---- **Respondent**

For the applicants	: Mr. Awadh Tripathi, Advocate.
For the State	: Mr. Anil S. Pandey, Govt. Adv.
For the objector	: Mr. S.K. Guha, Advocate

MCRCA No. 1153 of 2016

1. Jitendra Kumar Sahu S/o Shri Babulal Sahu Aged About 44 Years R/o Village Purgaon, Thana & Tahsil Bilaigarh, Civil & Revenue District Baloda Bazar- Bhatapara, Chhattisgarh.
2. Sheikh Firoz Mohammed S/o Shri Sheikh Sahadat Mohammed Aged About 33 Years R/o Village Pawani, Thana & Tahsil- Bilaigarh, Civil & Revenue District Baloda Bazar- Bhatapara, Chhattisgarh. --- **Applicants**

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Bilaigarh, District Balodabazar- Bhatapara, Chhattisgarh.

---- **Respondent**

For the applicants	: Mr. Sunil Sahu, Advocate.
For the State	: Mr. Anil S. Pandey, Govt. Adv.
For the Objector	: Mr. S.K. Guha, Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

05.01.2017

1. Apprehending arrest in connection with Crime No. 312/2016 registered at Police Station Bilaigarh, Distt. Balodabajar (C.G) for the offences punishable u/ss 420, 467, 468, 471/34 of IPC, 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 being decided by this common order.
2. As per the prosecution case, applicant Paras Ram Patel was incharge of the Paddy Procurement Center, Tundri and applicant Biharilal Verma was working as computer operator at Tondri. For the year 2015-2016 the State Government has prescribed the quantity of paddy to be purchased i.e., 15 quintals per acre. It is alleged that the present applicants in connivance with each other have inflated two areas of land of Shrawan and Samundru over and above the prescribed holding and thereby purchased more quantity of paddy through the Society i.e., 74.00 quintals worth Rs.1,04,340.00 on the support price of the Government therefore loss was caused to the Society.
3. Learned counsel for the applicants would submit that the applicants have entered the area of the land as per the certificate given by the Patwari as otherwise that purchase could not have been made and whereas it is further alleged that applicant Jitendra Kumar Sahu was working at Rampur and applicant Sheik Firoz Mohmmad was working as computer operator wherein 13 farmers' land was inflated thereby made more purchase of 1043

quintals of paddy which amounted to Rs.4,07,912/-. Learned counsel appearing for the applicants in M.Cr.C.No.1153/2016 would submit that he do not want to press the application of Jitendra Kumar Sahu as he has been arrested. Accordingly, the bail application of Jitendra Kumar Sahu is dismissed as not pressed.

4. Learned counsel would further submit that the applicants have not committed any offence and only on the basis of certificate given by the Patwari, the purchases were made and as the entry once made in the computer cannot be altered, consequently it is on the basis of Patwari's certificate the purchase has been made. It is further submitted that the applicants have been served with notice u/s 58-B of the Societies Act which contemplates for recovery of the amount of loss caused, therefore, the applicants have not committed any offence and they may be enlarged on bail.
5. Per contra, learned State Counsel opposes the prayer.
6. Perused the case diary as also the enquiry report. It appears that the enquiry was carried out by the Officer and prima facie it was found that over and above the holdings, the purchase of paddy was made by the Society on support price fixed by the government thereby certain loss was caused. Taking into such facts situation of the case, I am not inclined to allow these bail applications. Accordingly, the applications are rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**