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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 846 of 2017

- Kailash Chandrawanshi S/o Shri Khelan Ram Chandrawanshi, Aged About 33 Years, Occupation Former Data Entry Operator, Sewa Sahakari Samiti Maryadit Dashrangpur / Agriculturist, R / O Village Birkona, Police Station House Pipariya Tahsil Kawardha District Kabirdham Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Kawardha Chhattisgarh.

---- Non-applicant

And

MCRCA No. 871 Of 2017

- Tarkeshwar Kumar Sinha (Correct Name Is Talkeshwar Kumar Sinha) S/o Shri Sanat Ram Sinha, Aged About 32 Years Occupation Former Data Entry Operator, Sewa Sahakari Samiti Sonpuri, Agriculturist, R/o Village Sonpuri, Post Guda Chowki, Dashrangpur Police Station House Pipariya Tahsil Kawardha, District Kabirdham, Chhattisgarh

---- Applicant

Vs

- State Of Chhattisgarh Through The District Magistrate Kawardha, Chhattisgarh

---- Non-applicant

And

MCRCA No. 891 Of 2017

- Naresh Kumar Sahu S/o Dwarika Ram Sahu, Aged About 34 Years, Occupation Asst. Society Manager, Seva Sahakari Samiti Paneka, R/o Village Paneka, Police Station Pipariya, Tehsil Kawardha, District Kabirdham, Chhattisgarh.
- Sajandas Gop S/o Makhan Das Gop Aged About 53 Years Occupation- Society Manager, Seva Sahakari Samiti, Dashrangpur, R/o Guru Ghasidas Chauk, Ward No. 18, Kawardha, Police Station and Tehsil Kawardha, District Kabirdham, Chhattisgarh.

---- Applicants

Vs

- State Of Chhattisgarh Through The O. P. Dashrangpur, Police Station Pipariya, District Kabirdham, Chhattisgarh.

---- Non-applicant

And

MCRCA No. 876 of 2017

- Bhagwat Ram Chandrawanshi S/o Budhram Chandrawanshi, Aged About 47 Years, Occupation Assistant Samiti Manager, Seva Sahkari Samiti Maryadit Sonpuri Gudha, Police Station Pipariya, Tahsil Kawardha, District Kabeerdham Chhattisgarh

---- Applicant

Versus

- The State Of Chhattisgarh Through Station House Officer, Police Station Pipariya, Chowki Dashrangpur, District Kabeerdham Chhattisgarh

---- Non-applicant

For Applicant(s) – Shri Ashok Verma, Advocate (in MCRCA No.846/2017 and MCRC No.871/2017).

Shri B.D. Guru and Shri S.S. Baghel, Advocates (in MCRCA No.891/2017)

Shri P.P. Sahu, Advocate (in MCRCA No.876/2017)

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30-11-2017

1. As all these four MCRCA arise out of the same crime number, i.e. Crime No. 203/2017 registered at P.S. Pipariya Outpost Dashrangpur District Kabirdham, (C.G.) for the offence under Section 420, 467, 468, 471, 34 of the IPC, they are being decided by this common order.
2. These applications filed by applicants for grant of anticipatory bail are first bail application of the applicants under Section 438 of the Cr.P.C. before this Court as they are apprehending their arrest in aforesaid crime number.
3. It is submitted by learned counsel for the applicants that applicants are employed in various capacity in Seva Sahkari Samiti Maryadit Paneka, Dashrangpur and Sonpuri Gudha. The allegations against them is that because of wrong entries made the compensation of crop insurance was deposited in excess in account of some of the farmers

and less in account of some of farmers, thus, causing financial irregularities. It is submitted that subsequent to discovery of this clerical error, the excess payment made to the concerned farmers have been recovered and the short payment made to the farmers has been completed. Apart from that, there is no any allegation against the applicants that they had been beneficiaries in any of these financial irregularities. A certificate has been issued by the Branch Manager of Jila Sahkari Kendriya Bank Maryadit, Rajnandgaon, C.G. certifying that the anomalies in the deposits made in the account of the farmers had been a clerical mistake which has been rectified. Hence, under these circumstances, no offence is made out in the case registered against the applicants. It is prayed that the applicants may be benefited with grant of anticipatory bail.

4. Learned counsel for non-applicant/State opposes the submissions made. It is submitted that on the complaint made by various farmers, an enquiry was conducted by the District Collector and a report was forwarded to the police station, on the basis of which this FIR has been registered. Therefore, the applicants are not entitled for grant of anticipatory bail and their applications may be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. As per the case, compensation by way of crop insurance was to be paid to various farmers of the area and Seva Sahkari Samiti Maryadit, Dashrangpur, Paneka and Sonpuri Gudha were responsible for the distribution and disbursement of the crop insurance to the concerned farmers. As per the complaint made by the farmers, some farmers received excess payment of compensation in their bank accounts,

whereas some of the farmers received short payments in their accounts. After enquiry made by the District administration, the FIR has been lodged against the applicants.

7. Considered on the submissions and contents of the case diary and the nature of evidence and the contentions of the applicants that no any allegation has been made against them that they have been beneficiaries in those financial irregularities in any manner, and the report of the collector which itself shows that the applicants have committed financial irregularities. Taking into consideration all the facts, I am of the view that the applicants are entitled for grant of anticipatory bail.

8. Consequently, MCRCA No.846/2017, MCRCA No.871/2017, MCRCA No.891/2017 and MCRCA No.876/2017 filed under Section 438 of the Cr.P.C. by applicants are hereby allowed. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on each of them executing a personal bond in sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants shall also abide by the following conditions :

- (i) that the applicants shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that the applicants 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) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge