

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6389 of 2017

- Bhanupratap Kashyap S/o Sohan Lal Kashyap, Aged About 40 Years, R/o Village Beltukri, Police Station Tumgaon, Tahsil & District Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Tumgaon, District Mahasamund, Chhattisgarh

---- Non-applicant

For Applicant – Shri Avinash Chand Sahu, Advocate.

For Non-applicant/State – Shri Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-11-2017

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court by the applicant for regular bail. The applicant was arrested on 23-09-2017 in connection with Crime No.14/2017 registered Tumgaon, District Mahasamund, C.G. for the offence under Section 420/34 of the IPC.

2. It is submitted on behalf of the applicant that the applicant is innocent and he has been falsely implicated in this case. The applicant has in capacity of employee of co-accused Ranchhor Agrawal sold 190 bags (80 quintal) of paddy in Paddy Procurement Center Kampa and the support price has been received by the owner of said paddy the co-accused Ranchhor Agrawal. On complaint being made in this respect, on enquiry, it is found that co-accused Ranchhor Agrawal is owner of dry land, on which no paddy can be grown. The applicant has simply carried out the instructions of his master. Hence, it is prayed that the applicant may be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submission made in this respect.

4. Heard learned counsel for both the parties and perused the case diary.
5. As per the case, a complaint was made that co-accused Ranchhor Agrawal not being the owner of any paddy growing agricultural land has illegally collected and sold the paddy in the Paddy Procurement Center and obtained the support price without entitlement. After enquiring the matter, a report was given by Food Inspector Mahasamund to P.S. Tumgaon, on the basis of which FIR has been lodged, the case has been registered, investigated and charge sheet has been filed against the applicant and co-accused Ranchhor Agrawal.
6. Considering the submissions made and the contents of the case diary, I am of this view that this is a fit case where the applicant should be enlarged on bail.
7. Consequently, the application (MCRC No.6389/2017) filed under Section 439 of the Cr.P.C. by the applicant is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge