

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1224 of 2016

- Bharat Chandra S/o Dhaniram Chandra Aged About 40 Years R/o Village Salonikala, Police Station Bhatgaon, Tehsil Bilaigarh, District Balodabazar, Chhattisgarh.
--- Applicant

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Bilaigarh, District Balodabazar, Chhattisgarh.
--- Respondent

MCRCA No. 1229 of 2016

1. Parmeshwar Sahu S/o Shri Mordhwaj Sahu Aged About 27 Years R/o Village Ghana, Tehsil & Thana Bilaigarh, District Balodabazar, Chhattisgarh.
2. Ramniwas Sahu S/o Shri Mithulal Sahu Aged About 38 Years R/o Village Nagrda, Tehsil & Thana Bilaigarh, District Balodabazar, Chhattisgarh. --- Applicants

Versus

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

For the applicants : Mr. Amrito Das, Advocate.
For the State : Mr. Sangharsh Pandey, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

18.01.2017

1. Apprehending arrest in connection with Crime No. 315/2016 registered at Police Station Bilaigarh, District Balodabazar, Chhattisgarh for the offence punishable u/s 420 read with Section 34 of IPC, the applicants have filed these applications u/s 438 of the Code of Criminal Procedure.

2. Since both these applications are relating to the same crime number, they are being decided by this common order.
3. As per the prosecution case, applicant Bharat Chandra who was working as Manager in the Prathmik Krishi Sakh Sahkari Samiti, Salonikala and applicants Parmeshwar Sahu & Ramniwas Sahu who were working as Incharge and Computer Operator respectively in the said Society at Nagarda Center misused their position in purchase of more paddy on government support price and made wrong entries in connivance with each other. It is alleged that they have got inflated the area of the lands held by three farmers namely Dhanesh Kumar, Naringh and Bakkulal thereby more paddy was purchased by the Society resulting into loss to the Government Exchequer.
4. Learned counsel for the applicants would submit that initially an enquiry was conducted wherein it was found that the lands of 3 farmers were inflated. Subsequently, the farmers have made a complaint to the Deputy Collector and again an enquiry was conducted wherein it was found that 3 farmers Dhanesh, Narsingh and Bakkulal were holding the requisite lands as against the quantity of paddy purchased as they were holding two *Rin Pustikas* and in the second enquiry report dated 24.10.2016 it was found that the purchase of Paddy was proportionate to the area of lands held by the farmers, therefore, no offence is made out. It is further submitted that similarly placed accused namely Uttam Sahu and Geeta Prasad Sahu have been enlarged on anticipatory

bail by this Court in M.Cr.C(A). No. 1207/2016, therefore, the present applicants may also be enlarged on bail.

5. Per contra, learned State Counsel opposes the prayer. However, he is unable to dispute the fact that the persons against whom similar allegations were made have been granted anticipatory bail by this Court.

6. Perused the case diary which also contains the second enquiry report dated 24.10.2016 wherein the entire allegations appear to have been rolled back. Considering such facts situation of the case especially the fact that similarly placed co-accused have been extended the benefit of section 438 Cr.P.C., I am inclined to allow these bail applications.

7. Accordingly, both the applications are allowed and it is directed that in the event of arrest of the applicants Bharat Chandra, Parmeshwar Sahu and Ramniwas Sahu 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 officer arresting them or the concerned Investigating Officer. The applicants shall also abide by the following conditions :-

- (i) that they shall make themselves available for interrogation before the investigating officer as and when required;
- (ii) that they 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 any

police officer;

- (iii) that they shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**

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