

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1207 of 2016

1. Uttam Sahu S/o Budhram Sahu Aged About 41 Years R/o Village Naktidih, Tehsil & Thana Bilaigarh, District Baloda Bazar, Chhattisgarh. (Dhan Uparjan Kendra Prabhari, Salonikala)
2. Geeta Prasad Sahu, S/o Mordhwaj Sahu, Aged About 30 Years R/o Village Ghana, Tehsil & Thana Bilaigarh, District Baloda Bazar Chhattisgarh. (Computer Operator, Dhan Uparjan Kendra, Salonikala) --- **Applicants**

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Bilaigarh, District Baloda Bazar 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

05.01.2017

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 this application u/s 438 of the Code of Criminal Procedure.
2. As per the prosecution case, the applicants who were working as Computer Operators in the Prathmik Krishi Sakh Sahkari Samiti, Salonikala made certain entries and it is alleged that they have inflated the area of the land held by three villagers namely Dhanesh, Naringh

and Bakkulal thereby more paddy was purchased resulting into loss to the Government Exchequer.

3. Learned counsel for the applicants would submit that initially an enquiry was conducted wherein it was found that the lands of 3 agriculturists were inflated. Subsequently, the agriculturists have made a complaint to the Deputy Collector and again an enquiry was conducted wherein it was found that 3 agriculturists Dhanesh, Narsingh and Bakkulal were holding the requisite land 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 land held by the farmers, therefore, no offence is made out.
4. Per contra, learned State Counsel opposes the prayer.
5. 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, I am inclined to admit the applicants to anticipatory bail.
6. Accordingly, the application is allowed and 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 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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