

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1158 of 2016

- Rupesh Kumar Sahu S/o Geetaram Sahu Aged About 29 Years R/o Raikona, Post Office Raikona, Police Station - Sarsiwa, Tahsil Bilaigarh, Civil & Revenue District Baloda Bazar - Bhatapara Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer, Police Chowki - Bhatgaon, Police Station Bilaigarh, Civil & Revenue Baloda Bazar - Bhatapara Chhattisgarh

---- Respondent

MCRCA No. 1160 of 2016

- Umashankar Sahu S/o Chhatturam Sahu Aged About 30 Years R/o Bhatgaon, Permanent R/o Village Devsagar, Post Office Devsagar, Tahsil Bilaigarh, Chowki Bhatgaon, Police Station - Bilaigarh, Civil & Revenue District Baloda Bazar - Bhatapara Chhattisgarh

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer, Police Chowki - Bhatgaon, Police Station Bilaigarh, Civil & Revenue Baloda Bazar - Bhatapara Chhattisgarh

---- Respondent

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MCRCA No. 1249 of 2016

- Dharmjeet Singh S/o Mani Singh Rajput Aged About 48 Years R/o Ward No. 03, Bhatgaon, Police Station & Tahsil Bilaigarh, District (Revenue & Civil) Balodabazar- Bhatapara, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Police Chowki Bhatgaon Police Station Bilaigarh, District (Revenue & Civil) Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For Applicants in	:	Mr. Janak Ram Verma, Advocate
M.Cr.C.A.Nos.1158 of 2016 and		
1160 of 2016		
For Applicant in	:	Mr. Anand Kesharwani, Advocate
M.Cr.C.A.No.1249 of 2016		
For Respondent/State	:	Mr. Sangarsh Pandey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

10-02-2017

1. Since the aforesaid bail petitions arise out of Police Station Bilaigarh, District Baloda Bazar Bhatapara, which are in common nature, they are heard analogously and are being disposed of by this common order.
2. Apprehending arrest in connection with Crime No. 0 of 2016 (applicants in M.Cr.C/A.No.1158 of 2016 and 1160 of 2016) and 34 of 2016 (applicant in M.Cr.CA.No. 1249 of 2016), registered at Police Chowki Bhatgaon, Police Station Bilaigarh, District Baloda Bazar – Bhatapara (CG) 420/34 and 409 of the IPC, the applicants have preferred these bail petitions under Section 438 of the Cr.P.C., for grant of anticipatory bail.
3. As per prosecution case, on 28-6-2016 a report was made by the complainant M.A. Agwan that the applicants Rupesh Kumar Sahu and Uma Shankar who were working as Computer Operator in Gramin Sewa Sahakari Samiti, Branch Bhatgaon and applicant Dharamjeet Singh who was working as Incharge of the Paddy Procurement Centre, Bhatgaon, increased the area of 27 farmers and have purchased the paddy in excess which was not permissible. 1963.80 quintals of paddy was purchased in excess which was amounting to Rs.27,68,817/- whereby it caused loss to the State and thereby the aforesaid offence was committed.
4. Learned counsel appearing for the applicants in M.Cr.C..A.No. 1158 of 2016 and 1160 of 2016 would submit that the applicants have been falsely implicated in this case, both the applicants who were working as Computer Operators were removed from their posts and in their places, Ashok Sahu and Dhansai Yadav were working from 16-11-2015 which would be evident from the resolution, therefore, procurement of paddy was not made in between such period, therefore, the applicants have not committed any offence.

5. Learned counsel appearing for the applicant in M.Cr.C.A.No.1249 of 2016 would submit that the the applicant was working as Incharge of the Paddy Procurement Centre, Bhatgaon and he had no right to question the area of the respective farmers and it depends on the complete entry made by the computer operator, therefore, no offence was committed by the present applicant.
6. On the other hand, learned State counsel opposes the prayer for grant of anticipatory bail.
7. I have heard learned counsel for the parties, perused the case diary and other documents. It appears that the alleged procurement of paddy was made in between 1-1-2015 to 31-3-2016 and the applicants Rupesh Sahu and Uma Shankar were removed from their services on 5-12-2015 which do not appear to be conclusive and even on the basis of documents filed by them, in such case also the applicants cannot be exonerated completely as on the basis of enquiry, offence alleged was committed by the applicants. Likewise, the applicant Dharmjeet Singh who was also appointed as Sales Manager of Paddy Procurement Centre, also appears to have committed the offence.
8. Taking into consideration the facts and circumstances of the case, nature of allegation and degree of offence, the evidence available against the applicants and further considering the role played by the applicants, I am of the considered opinion that these are not fit cases where the benefit of Section 438 of Cr.P.C., can be extended to the applicants.
9. Accordingly, the bail applications filed under Section 438 of the Cr.P.C. are liable to be and are hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju

