

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 110 of 2017

- Shivismurat S/o Lalman, Aged About 55 Years Caste Ghurtiya, R/o Village Kannor (Mannod), Police Station Janakpur (wrongly mentioned as Janakopur), District Koriya, Chhattisgarh.

... **Applicant**

Versus

- State of Chhattisgarh through the Station House Officer, Police Station Janakpur, District Koriya, Chhattisgarh. ... **Respondent**

For the applicant : Mr. C.J.K. Rao, Advocate.
For the State : Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.04.2017

1. Apprehending arrest in connection with Crime No. 69/2014 registered at Police Station Janakpur, Distt. Koriya (C.G) for the offences punishable u/s 420, 409/34 of IPC, the applicant has filed this application u/s 438 of the Code of Criminal Procedure.
2. This is second bail application. The earlier one was dismissed on 02.03.2016 on merits.
3. As per the prosecution case, the applicant was having less area of land but in order to get more support price of Government on the basis of forged documents, he had sold more than the entitlement of paddy and obtained the benefit. It is alleged that the applicant is holding only 1.77 hectares of land and he is entitled to sell 67.26 quintals on support price but he has sold 297.60 quintals, therefore, he has sold the over and above his actual entitlement on the basis of forged documents

thereby caused loss to the State Ex-chequer.

4. Learned counsel for the applicant would submit that as per the policy the applicant was entitled to take the land on lease and accordingly he has taken the additional land on lease and produced and sold the additional quantity of paddy of 230.34 quintals, therefore, he has not committed any offence.
5. Per contra, learned State Counsel opposes the prayer and submits that on enquiry it was found that over and above the actual holding of his land he sold the paddy and obtained Government Support Price which caused loss to the public Exchequer and initially an enquiry was also made by the Revenue/Food Officers.
6. Perused the case diary documents. Earlier bail was dismissed on merits on 02.03.2016. It appears that the charge sheet has been filed and still the applicant is absconding. Therefore, I do not find any change of circumstances to reconsider the bail on merits. Accordingly, the bail application is rejected.

Sd/-
GOUTAM BHADURI
JUDGE