

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 277 of 2017

1. Bachan S/o Lalman, Aged About 48 Years Caste Bhurtiya, R/o Village- Kanjiya, Police Station Janakpur, District- Koriya, Chhattisgarh.
2. Parigan S/o Rampratap, Aged About 45 Years Caste Bhurtiya, R/o Kannor(Mannod) Police Station Janakpur, District- Koriya, Chhattisgarh. --- **Applicants**

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 applicants have 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 applicants was having less area of lands but in order to get more support price of Government on the basis of forged documents, they sold more than the entitlement of paddy and obtained the benefit. It is alleged that the applicant no.1 Bachan is holding only 1.17 hectares of land and he is entitled to sell 44.46 quintals (36 quintals per hectare) on support price but he has sold 483.60 quintals. Similarly applicant

no.2 Parigan is holding 3.35 hectares and he is entitled to sell about 120 quintals whereas he has sold 367.20 quintals, therefore, the applicants have sold over and above their actual entitlement on the basis of forged documents thereby caused loss to the State exchequer.

4. Learned counsel for the applicants would submit that as per the policy the applicants were entitled to take the land on lease and accordingly they have taken the additional lands on lease and produced more paddy and sold the additional quantity of paddy, therefore, the applicants have 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 the lands they sold the paddy and obtained Government support price which caused loss to the public exchequer and initially an enquiry was also conducted by the Revenue/Food Officer.
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 applicants are absconding. Therefore, I do not find any change of circumstances to reconsider the anticipatory bail on merits. Accordingly, the bail application is rejected.

Sd/-

**GOUTAM BHADURI
JUDGE**