

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1819 of 2017

Suddeshwar Jaiswal S/o Ramesh Chandra Jaiswal Aged About 48 Years R/o Village- Purgaon; Police Station- Bilaigarh ; District (Revenue & Civil)- Balodabazar- Bhatapara, Chhattisgarh.

---- Petitioner

Versus

State Of Chhattisgarh Through Police Station- Bilaigarh District- (Revenue & Civil) Baloda Bazaar, Bhatapara, Chhattisgarh.

---- Respondent

For the Petitioner : Shri Amiyakant Tiwari,
Advocate.

For the Respondent/State : Shri Neeraj Sharma, DGA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22.09.2017

1. Heard on application under Section 439 of Cr.P.C.
2. It is submitted that the applicant and others co-accused persons are being prosecuted for offences under Section 420,467,468,471, 120-B and 201 of Indian Penal Code before the Court of JMFC in Bhatgaon District-Balodabazar in crime No.256/2015 registered at PS- Bilaigarh, Distt-Balodabaza – Bhatapara.
3. It is submitted by learned counsel for the applicant that as per the case of prosecution, the applicant was in-charge manager of Paddy Procurement Center of Pirda. The report was made by one

Bachan Bai and several others that amount was deposited and withdrawn from their account in connection with paddy purchase and disbursed without their knowledge. After completion of investigation, it was found that in the process of paddy purchase, the area of the land belonging to the farmers was inflated to show the entitlement of sale by the said transfer making false entry in the documents which caused huge losses to the Government exchequer.

4. It is submitted by learned counsel for the applicant that there is no direct allegation against the applicant, he has been implicated on the basis of vague allegations made by the witnesses of the case, there is no evidence that the applicant was beneficiary of the amount defalcated. It is further submitted that co-accused person namely Mukesh Kumar, Satyendra Kumar, Raj Kumar Chawale have been granted bail by this Court vide order dated 28.02.2017 in MCRC No.8074/2016 and in other connected matters. The applicant is in jail since 27.10.2016 and his case is not different from the co-accused persons who have been enlarged on bail. Hence, prays for grant of bail.
5. Learned counsel for the State opposes the application and the submission made. It is submitted that huge amount has been defalcated by the applicant and others and huge losses of the State exchequer is caused. There is evidence of witnesses and enquiry reports in the charge-sheet, on the basis of which, the applicant is proposed to be prosecuted by State. Although some of the co-accused persons have been granted bail, but the

case of the applicant is not identical, hence for these reasons he is not entitled for grant of bail.

6. I have heard the learned counsel for the parties and perused all the documents placed on record and the case diary.
7. Considering the submission and contents of the charge-sheet and also considering the order of this Court in MCRC No.8074/2016, dated 28.02.2017 granting bail to the co-accused persons in this case, it appears that the case against the applicant is not based on any different footing, without commenting on merits of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Hence the application is allowed.
9. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his personal bond for a sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)

Judge