

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4316 of 2017**

1. Satyendra Kurre S/o Gyandas Kurre, Aged About 26 Years R/o Barbhatha, Outpost Bhatgaon, Police Station Bilaigarh, District Balodabazar Chhattisgarh
2. Suddheshwar Jaiswal S/o Rameshchandra Jaiswal, Aged About 48 Years R/o Purgaon, Police Station Bilaigarh, District Balodabazar Chhattisgarh

---- Applicants**Versus**

State Of Chhattisgarh Through District Magistrate Civil And Revenue
District Bhatapara, Balodabazar, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Amiyakant Tiwari, Advocate.
For the Respondent/State	:	Shri Anil S. Pandey, Government Advocate.
For the Objector	:	Shri S.Das, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****30.08.2017**

1. Heard.
2. Learned counsel for the applicants submits that the applicants are in jail since 3.3.2017 in connection with Crime No. 313 of 2016 in Police Station Outpost Bhatgaon, P.S. Bilaigarh, District Balodabazar, Chhattisgarh for the offences under Sections 420, 467, 468, 471 read with Section 34 of the Indian Penal Code.
3. It is alleged that 264.22 quintals of excess paddy of Rs.3,72,550/- was purchased by Primary Agricultural Cooperative Committee, Tirda, registration No. 1583 for the year 2015-2016, by making false entries by falsely

enhancing the area of land of the farmers in contravention to the policy of the State Government regarding paddy purchase. The applicants have been held responsible as members of the Samiti. Applicant No.1 – Satyendra Kurre was employed as Data Entry Operator in the said Samiti and applicant No.2 – Suddheshwar Jaiswal was the Manager. It is submitted that even if it is admitted that the excess paddy was purchased by the said Samiti in that case, the transferred money is with the farmers and not with the applicants. There is no evidence to show that the applicants have benefited out of this paddy purchase business in any manner. Hence, the offences for which the applicants are proposed to be prosecuted are not made out on the basis of the material in the charge-sheet. Hence, it is prayed that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposed the bail application and submissions made on behalf of the applicants. It is submitted that according to the paddy purchase policy of the State Government, purchase made for the benefit of farmers for which the amount of paddy is purchased from the farmers in accordance with the area of the land in their possession and cultivation. The applicants have made false entries of increased area of the land in possession and cultivation of the farmers, thereby excess paddy has been purchased with wrongful intention and for the purposes of wrongful gain. Hence, it is submitted that the applicants are not entitled for bail.

5. Learned counsel for the objector submits that the arguments of the State are adopted.

6. Perused the case diary.

7. Considering the facts that the petitioners are in jail since 3.3.2017, the investigation has been completed and the trial is due to begin, that the applicants are local residents of the area and that as per the statements made they have a case to defend, hence, on the basis of these reasonings this is a fit case to allow the application of the applicants.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge