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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 4752 of 2017**

1. Ramkumar, S/o. Tikaram Aditya, Aged About 40 Years, R/o. Village Bhatgaon, Out Post - Bhatgaon, Police Station -Bilaigarh, District -Baloda Bazar- Bhatapara Chhattisgarh.
2. Lokesh, S/o. Bhagwat Sahu, Aged About 26 Years, R/o. Ward No. -02, Bhatgaon, District -Baloda Bazar -Bhatapara, Chhattisgarh.

**----Applicants****Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station, Bilaigarh, District -Baloda Bazar -Bhatapara, Chhattisgarh.

**---- Respondent**


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| For Applicants       | : Mr. Amiyakant Tiwari, Advocate        |
| For Respondent/State | : Mr. Neeraj Sharma, Dy. Govt. Advocate |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****Order On Board****06/09/2017**

1. Heard on application filed under Section 439 of Criminal Procedure.
2. Applicant No.1 is in jail since 04.06.2017 and the applicant No.2 is in jail since 23.04.2017 after their arrest in connection with Crime No.314/2016, registered at Police Station- Bilaigarh, District – Baloda Bazar – Bhatapara (C.G.) for the offences under Section 420, 467, 468, 470, 471, 34 of the Indian Penal Code.
3. It is submitted by the learned counsel for the applicants that allegations against the applicants are these that the applicant No.1

is Manager and applicant No.2 is the Computer Operator employed in Prathmik Krishi Sakh Sahakari Samiti Maryadit, Bhatgaon and were in-charge of purchase of paddy from the farmers in accordance with the policy of the government. It was alleged that by fabricating the record showing inflated area under cultivation of the farmers of the area, 1963.30 quintals of excess paddy was purchased amounting to Rs.27,68,817/- in violation of the policy of the government and causing loss to the State exchequer. It is submitted that prices of the paddy purchased was transferred to the farmers in their bank accounts, hence, no amount was received by the applicants in hand and no question arises about misappropriation of the same. It is prayed that charge-sheet has already been filed against the applicants and trial in the case is likely to take some time, applicants are innocent, therefore, prayer has been made for grant of bail.

4. Counsel for the State has opposed the bail application and submitted that witnesses in this case have deposed against the applicants that they have made entries of inflated area of the agricultural land without verifying the revenue records pertaining to the concerned farmers. Hence, applicants have benefited by excess purchase made and the policy of the government for the benefit of the farmers has been violated to give undue benefit to the persons concerned. Hence applicants are not entitled to be released on bail.
5. I have heard the learned counsel for both the parties and perused the case diary.

6. Applicants are residents of District Balodabazar – Bhatapara. Their availability during the course of trial can be ensured by imposing conditions and that trial against the applicants is likely to take some time. On these considerations, this application deserves to be allowed.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
8. Certified copy as per rules.

Sd/-  
**(Rajendra Chandra Singh Samant)**  
Judge