

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 102 of 2018

- Laxmikant Jayswal S/o Shri Baldev Jayswal, Aged About 30 Years, By Caste Kolta R/o Markadaad, Thana Rajpur Civil And Revenue Distt. Balrampur Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Rajpur, Distt. Balrampur Chhattisgarh, Chhattisgarh

---- Non-applicant

For Applicant – Shri Sunil Sahu, Advocate.

For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 06-09-2017 in connection with Crime No.141/2014 registered at P.S. Rajpur, Distt. Balrampur, Chhattisgarh for the offence under Section 409, 420, 467, 468, 201/34 of the IPC.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated in this case. The main allegation in this case is against the Samiti Prabhandhak Haribhajan Das Mahant, whereas, this applicant has worked as only computer operator for making entry on the basis of information and material provided to them. It is also submitted that defalcation in the Patwari record has been done by another co-accused Virendranath Pandey, the Patwari, who having authority has by forgery inflated the area of the lands in which this applicant was not a party. The applicant is in jail since 06-09-2017. The other two co-accused persons have been enlarged on bail. Charge sheet has been filed after completion of the investigation. Hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant has worked as a team in commission of the said offence, in which, by inflating the area of the agriculturists excess paddy was purchased and because of which a loss of Rs.1,01,76,640/- to the State exchequer has been caused. Hence, this applicant is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, this applicant and other co-accused persons are responsible for excess purchase of paddy by inflating the area of the agriculturists and causing loss to the State exchequer. Other details are not required as the case against this applicant has been discussed briefly in the arguments hereinabove.

6. Considering the facts that the applicant is in jail since 06-09-2017, charge sheet in the case has been filed and also looking to the fact that co-accused persons have been granted bail, I am of this view that this applicant should also be released on bail during pendency of the trial against him.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge