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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.957 of 2018**

Narayan Lal Chandrakar, S/o Late Raja Ram Chandrakar, aged about 68 years, R/o House No.502, Ward No.24, Kumharpara, Subhas Nagar, District Mahasamund, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through C.B.I., A.C.B., Raipur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Manoj Paranjape, Advocate
For Respondent	:	Shri Kishore Bhaduri, Advocate

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****25.4.2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the Applicant who has been arrested in connection with Crime No.RC1242016A0005/2016 registered at Police Station C.B.I., A.C.B., District Raipur for offence punishable under Sections 120B, 420, 477A of the Indian Penal Code and Section 13(2), 13(1)(d) of the Prevention of Corruption Act.
2. Case of the prosecution, in brief, is that a godown of Food Corporation of India (hereinafter referred to as "the FCI") is situated in Mahasamund and a separate godown of State Warehousing Corporation is also situated in Mahasamund. Arrangement of transportation of stored grains of the FCI is made by the FCI itself. For the transportation, the FCI had engaged Chhattisgarh Gadiwan Hamal Reza Mazdoor Mahasangh, Mahasamund (hereinafter referred to as 'the Mahasangh'). The

Applicant was a member of the Mahasangh. It is alleged that by collusion with the officers of the FCI and the transporters, the Applicant prepared forged work-slips and bills and submitted the same before the FCI for payment and thereby he caused a loss of Rs.67,97,186/- to the FCI.

3. Learned Counsel appearing for the Applicant submits that the Applicant has been falsely implicated in the case. He is innocent. The work of the Applicant was only to prepare bills and not to receive or release payment on behalf of the Mahasangh. No payment has been done or received by the Applicant himself. He never used or spent any amount of the Mahasangh. It is further submitted that the FCI had filed a civil suit against the Mahasangh before the Commercial Court at Raipur for recovery of the loss caused to it and vide judgment dated 9.1.2018, the Commercial Court has decreed the suit in favour of the FCI and against the Mahasangh. It is further submitted that the Applicant is a 68 years' old person and is a heart-patient. Charge-sheet has already been filed. He is in custody since 3.1.2018. Trial will take a long time. Therefore, he may be released on bail.
4. Learned Counsel appearing for the Respondent/CBI opposes the bail application. He submits that the Applicant has caused a loss of Rs.67,97,186/- to the FCI and there is sufficient material available against him on record.
5. I have heard Learned Counsel appearing for the parties and perused the entire material available with due care.

6. Taking into consideration the facts and circumstances of the case and the submissions put-forth, particularly, that the age of the Applicant is about 68 years, he is a heart-patient, charge-sheet has already been filed, he is in jail since 3.1.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to enlarge him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on furnishing a personal bond in the sum of Rupees Two Lakhs with two solvent sureties each of Rupees One Lakh to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
JUDGE