

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 723 of 2017

1. Harish @ Harishankar Patel S/o Shri Govardhan Prasad Patel Aged About 33 Years R/o Village- Karnaud, Tahsil- Champa, Civil & Revenue District- Janjgir-Champa, Chhattisgarh
2. Kamal Kishor Chandra S/o Shri Rangnath Chandra Aged About 28 Years Caste- Chandra, R/o Village- Bansula, Tahsil- Champa, Civil & Revenue District- Janjgir-Champa, Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through: The Station House Officer, Police Station-Birra (Wrongly Mentioned Through The District Magistrate Janjgir, District- Janjgir-Champa), Civil & Revenue District- Janjgir-Champa, Chhattisgarh

---- Respondent

For Applicants	:	Shri P.M. Shrivastava, Advocate
For State	:	Shri D.R. Minj, Dy. Govt. Advocate

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/01/2018

Heard.

1. This application under Section 438 of Cr.P.C. has been preferred by the applicants apprehending their arrest in connection with Crime No.03/2013, registered in Police Station -Birra, District- Janjgir-Champa, for alleged commission of offence under Sections 409, 34, 201, 120-B IPC.
2. Case of the prosecution, in brief, is that during period when the applicants were posted and working as Data Entry Operators in the Cooperative Paddy Procurement Centre, they are involved in preparing forged and false entries

showing excess weight of paddy which is less than the paddy actually purchased, thereby causing loss to the Society and the Procurement Agency.

3. Learned counsel for the applicants submits that even according to the practice prevalent in the Paddy Procurement Centre, the Data Entry Operators make necessary entries on the basis of weighment slip which is prepared in triplicate by the weighment In-charge. According to learned counsel for the applicants, once weighment in-charge records a particular weight of procured paddy, the Data Entry Operator are required to act upon the same and there is no duty cast on the applicants to verify the correctness of the entries made in the weighment slip by the weighment In-charge. He further submits that only on the ground that the applicants were engaged in making data entry on the basis of weighment slip prepared by the weighment In-charge, they have been involved.
4. On the other hand, learned counsel for the State, opposing the bail application, submit that in the concerned Paddy Procurement Centre where the applicants were posted as Data Entry Operators, the weighment In-charge was recording weight of paddy more than the actual quantity submitted in the Paddy Procurement Centre and the applicants, knowing fully well about this cheating, carried false entries into the computer and computed amount for being paid to the farmers by way of cheque signed by the President of the Society. It is submitted that the weighment In-charge and the President of the Society both are co-accused along with the applicants.
5. The involvement of the applicants in the present case is based only on alleged entries made by the applicants in their capacity as Data Entry Operator. It is not a case of the prosecution that the applicants were under a duty to verify the correctness of entries made in the weighment slip. It is not an allegation that at any point of time, weighment was actually got done by the applicants or they made entry in the weighment slip. Therefore, in these circumstances, I am inclined to protect the applicants against a possible arrest.
6. The application is accordingly allowed. It is directed that in the event of arrest

of both the applicants in connection with the aforesaid offence, they shall be released on bail by the arresting officer on each of them furnishing a personal bond in the sum of Rs.20,000/- along with one local surety for the like amount to the satisfaction of the arresting officer with following further conditions that:

- (i) the applicants shall make themselves available for interrogation by the police officer as and when required;
- (ii) the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge