

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 7210 OF 2017

Birendra Nath Pandey, S/o Late Vidya Pandey, aged 52 years, occupation- Patwari, R/o Bhawripara, near Company Bazar, P.S. Ambikapur, District Sarguja (C.G.)

... Applicant

versus

State of Chhattisgarh, through Station House Officer, Police Station- Rajpur, District Balrampur (C.G.)

... Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate.
For Respondent-State	:	Mr. Gary Mukhopadhyay, Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

02/01/2018

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 29.10.2017 in connection with Crime No. 141/2014 registered at Police Station- Rajpur, District- Balrampur, for the offence punishable under Sections 409, 420, 467, 468, 34 of IPC.
2. Case against the Applicant as per the prosecution is that the Applicant while working as Patwari is said to have produced certain documents by which an area of land occupied by the villagers has been tampered with and has been inflated with an intention of selling more paddy at the Paddy Procurement Centre.
3. Learned Counsel for the Applicant submits that it is a case where the Applicant was prosecuted departmentally but there was no material found against him of tampering with the documents or having inflated the area of agricultural land against each of the farmers and he was exonerated and therefore he should be released on bail. Learned Counsel for the Applicant further submits that the only piece of allegation against the Applicant is that

of the memorandum statement of the co-accused and the documents seized from the possession of the co-accused Laxmikant Jaiswal who is the Data Entry Operator himself and at whose instance the Applicant has been made an accused and arrested. Learned Counsel for the Applicant thus prayed for grant of bail to the Applicant.

4. Learned Counsel for the State however opposing the bail application submits that the Applicant in connivance with the other co-accused persons is said to have tampered with the documents to show more area of agricultural land available with the farmers than what they actually possessed so as to permit the farmers to sell more paddy and in the process the Applicant is said to have caused loss to the department to the tune of Rs. 1,01,76,667/- and therefore he does not deserve to be released on bail.

5. Considering the entire facts and circumstances of the case, particularly the fact that the Applicant has already remained in jail for a period of more than 2 months and that he was exonerated in the departmental enquiry where there was no evidence of any tampering with the records, moreover the only piece of evidence against the Applicant is the statement of co-accused Laxmikant Jaiswal, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge