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**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.(A) No. 228 of 2018**

Ramprasad S/o Gangaram Aged About 29 Years Caste Chandra, R/o Village Aamakoni, Tehsil And Police Station Jaiapur, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Station House Officer Jaiapur, District Janjgir Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh.

**---- Respondent****And****M.Cr.C.(A) No. 256 Of 2018**

Ramnath Chandra S/o Hetram Aged About 30 Years R/o Village Aamakoni, Police Station And Tahsil Jaiapur, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

**---- Applicant****Vs**

State Of Chhattisgarh Through Station House Officer, Police Station Jaiapur, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

**---- Respondent****And****M.Cr.C.(A) No. 291 Of 2018**

Suleman Bhagat S/o Shri Rupanram Bhagat Aged About 45 Years Occupation Service Rural Agriculture Extension Officer, Office Of Senior Rural Agriculture Extension Officer, Jaiapur, R/o Village Adbhar, Thasil-Malkharduda, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

**---- Applicant****Vs**

State Of Chhattisgarh Through Station District Magistrate, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh.

**---- Respondent**


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| For the Applicants       | : | Shri Surfaraj Khan, Shri Rajeev Shrivastava and Shri Vinay Pandey, Advocates. |
| For the Respondent/State | : | Shri Anil S. Pandey, G.A.                                                     |

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****03.05.2018**

Heard.

1. All these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime No.39 of 2018 registered at Police Station – Jaijaipur, District Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 420, 409, 467, 468 and 120B of the Indian Penal Code.

2. Shri Surfaraj Khan and Shri Rajeev Shrivastava, counsel submit that applicants – Ramprasad and Ramnath Chandra in M.Cr.C.(A) Nos. 228 of 2018 and 256 of 2018 are the agriculturists of the area, who have in reality sold paddy in the Paddy Procurement Centre at Kachanda and also they have received the price of the paddy sold. The shortage that has been found in the inspection by the complainant cannot be attributed on the part of these applicants. The applicants are the owners of the agricultural lands and they are genuine farmers having the capacity to produce and sell the paddy. No case is made out against the applicants. Hence, it is prayed that applicants – Ramprasad and Ramnath Chandra are entitled for grant of anticipatory bail.

3. Shri Vinay Pandey, counsel submits that Applicant – Suleman Bhagat in M.Cr.C.(A) No. 291 of 2018 has been falsely implicated in this case. According to the case itself, the date of paddy procurement is between

15.11.2017 and 31.1.2018 and at that time, this applicant was not in-charge of the Paddy Procurement Centre at Kachanda. This applicant was assigned the charge of paddy procurement in Bhothiya and the persons who were responsible for this procurement in Kachanda Mr. Rajesh Masih, Agricultural Extension Officer and Mr. Sukhnanda Rathore, Patwari, both of them have not been arrayed as accused in this case. Hence, having no connection with the alleged commission of offences, this applicant is entitled for grant of anticipatory bail.

4. Learned State counsel opposes the bail applications and the arguments submitted in this respect and also submits that one Lalit Kumar Tandon has given statement before complainant – Rohit Kumar Rathore, Branch Manager of District Cooperative Central Bank, In-charge Branch, Jaijaipur and in his statement he named applicants – Ramprasad and Ramnath Chandra, alleging that instead of producing the paddy for sale they had obtained the purchase token forcefully and on that basis payment has been drawn in their favour. Similarly, he has stated against applicant – Suleman Bhagat that he had lifted some paddy from the Paddy Collection Centre without any authority which is also a reason of shortage. Hence, there is evidence that all the applicants were engaged in the commission of the offences as alleged and as such, no case is made out for grant of anticipatory bail to the applicants in all the cases.

5. In reply, learned counsel for the applicants submit that Lalit Kumar Tandon on whose statement the State counsel has placed reliance is one of the co-accused and apart from it, only oral statement has been made by him,

but there is no other evidence against these applicants. Hence, on this basis, no case is made out against the applicants in all the cases.

6. Heard counsel for both the parties and perused the case diary.

7. Complainant – Rohit Kumar Rathore filed a written complaint stating that he inspected the Paddy Procurement Centre at Kachanda on 3.2.2018 with respect to the paddy procurement between 15.11.2017 and 31.1.2018. On inspection, in total 3732.80 quintals of paddy was found short. On enquiring from Lalit Kumar Tandon, Computer Operator, he informed that the applicants are the persons responsible for the shortage. On that basis, FIR has been lodged.

8. Considered the material present in the case-diary. The key witness in this case appears to be Lalit Kumar Tandon but he has been arrayed as accused and all the other witnesses who have given statement under Section 161 of the Cr.P.C. are simply relying upon the statement of Lalit Kumar Tandon. This fact is not denied that applicants – Ramprasad and Ramnath Chandra are agriculturists of the area and according to the copy of the order produced by applicant – Suleman Bhagat he was not the in-charge of the Paddy Procurement Centre at Kachanda in the relevant point of time. Hence, for these reasons and looking to the nature of the case against these applicants, I feel inclined to grant anticipatory bail to all the applicants in all the cases.

9. Accordingly, the bail applications filed by the applicants in all the cases under Section 438 of the Cr.P.C. are allowed.

10. It is directed that in the event of arrest of the applicants in all the cases in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that 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 them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

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