

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2134 of 2018**

Ashok Goyal S/o Late Shri Shankarlal Goyal Aged About 55 Years R/o-
Village- Pendra, Tahsil And P.S. Pendra, District- Bilaspur, Chhattisgarh.,
District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Incharge Officer Gourela, P.S.- Gourela,
District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 2171 Of 2018**

Hemant Shrivastava S/o Shri P.S. Shrivastava Aged About 40 Years R/o-
Village- Kotmikala, Police Station- Pendra, District- Bilaspur, Chhattisgarh.,
District : Bilaspur, Chhattisgarh.

---- Applicant**Vs**

State Of Chhattisgarh Through- Station House Officer, Police Station-
Gorela, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants	:	Shri Anand Shukla and Shri Rakesh Pandey, Advocates.
For the Respondent/State	:	Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****04.04.2018**

1. Both these applications are being decided by a common order as they arise from the similar matter. These are the first bail applications of the applicants filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No.49 of 2016, registered at Police Station Gourela, Pendra Road, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 407, 409 and 420/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant in M.Cr.C. No. 2134 of 2018 submits that this applicant has been falsely implicated in this case. The date of incident according to the case is between 2.4.2015 to 17.4.2015 and this applicant was not in-charge of Harihar Ricemill at the relevant point of time. This applicant had hired the Harihar Ricemill, as a tenant and operated from the year 2010 to the year 2014, and his tenancy had expired on October, 2014. Hence, the allegation against this applicant is totally false. Therefore, it is prayed that the applicant in M.Cr.C. No. 2134 of 2018 be benefited with grant of regular bail.

3. Learned counsel for the applicant in M.Cr.C. No. 2171 of 2018 submits that this applicant has been falsely implicated in this case. It is submitted that the paddy was lifted by the authority given by main accused – Pooran Singh Chandel, hence, it is not a case of any breach of trust or cheating. Main accused – Pooran Singh Chandel has been granted bail by the Co-ordinate Bench of this Court and the applicant also has a similar case. Hence, it is prayed that the applicant in M.Cr.C. No. 2171 of 2018 be benefited with grant of regular bail.

4. On the other hand, learned counsel for the State opposes the bail applications and the arguments submitted in this respect. It is submitted that without issuance of proper delivery order and without entering into any contract, the applicants in both the cases have lifted 7038.10 quintals of paddy from the State Cooperative Marketing Federation under the connivance of the co-accused – Pooran Singh Chandel, who was the Senior

Assistant at the Paddy Storage Centre, Pendra Road and thereby loss of Rs.1,11,90,579/- has been caused to the Paddy Storage Centre. Hence, for these reasons, none of the applicants deserves to be enlarged on bail.

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

6. According to the prosecution case, complainant – Chelaram Joshi, District Marketing Officer, Bilaspur has filed a written complaint alleging that in connivance of main accused – Pooran Singh Chandel, 5 rice millers were allowed to lift 2542.63 quintals paddy without any agreement and thus, all of them have misappropriated the paddy so lifted for their own benefits.

7. According to the material in the case-diary, the remaining three rice-millers were issued delivery order and later on, the investigation against them has been dropped. With respect to the present applicants, the charge-sheet has been filed after completion of investigation.

8. Considering the fact that the investigation has been completed, this appears to be no requirement of any custodial interrogation nor there is any requirement for detention during the pendency of the trial against them, as also the co-accused in this case has already been granted bail by the Co-ordinate Bench of this Court, hence, I am of the considered opinion that the applicants deserve to be released on bail. Hence, under these circumstances, these applications deserve to be allowed.

9. It is directed that the applicants in both the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi