

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

M.CR.C.(A). No. 342 of 2018

Ashok Kumar Soni, S/o. Bansi Lal Soni, Aged About 61 Years, R/o- Kasaridih, Road No. 4, Durg, Tahsil And District- Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through- Police Of Police Station- Utai, Durg, District- Durg, Chhattisgarh.

---- Respondent

06/07/2018	Mr. Jitendra Gupta, counsel for the applicant. Mr. Vinod Tekam, Panel Lawyer for the State. Heard. Learned counsel for the applicant submits that the applicant alone was not the in-charge of the paddy in the said Vrihattakar Seva Sahkari Samiti Maryadit, Selud. The other persons who were in-charge of the paddy were Javahar Verma, President, Mohit Kumar Deshmukh, Assistant Manager, Lileshwar Nirmalkar, Computer Operator, Jitendra Sahu, Computer Operator and one Suresh Yadav were also in-charge, who used to handle the stock, who have not been arrayed as accused and neither the department has proceeded against them. Hence the applicant may be benefited under the provisions of Section 438 of Cr.P.C.

Counsel for the State submits that there is direct allegation against the applicant about being in-charge of the paddy collection center and having defalcated the paddy in his possession.

At this stage, the counsel for the applicant prays to withdraw this application and also prays that some direction may be issued to the concerned department to consider about the representation made by this applicant.

Accordingly, the bail application filed under Section 438 of Cr.P.C. is dismissed as withdrawn with liberty to file a representation before the concerned department about the shared responsibility of other persons in the matter of allegation of paddy and the concerned department is also directed to consider on representation made by this applicant. After the outcome of the representation made by this applicant, this applicant shall have liberty to approach before this Court again.

Accordingly, the instant bail application filed under Section 438 of Cr.P.C. is disposed of with aforesaid observation.

Sd/-

(Rajendra Chandra Singh Samant)
Judge