

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6921 of 2017

- Mangal Das Sonwani S/o Late Ramnath Sonwani, Aged About 43 Years, R/o Village Sitapur, P. S. Simga, District Balodabazar-Bhatapara Chhattisgarh
- Kishwar Baghel S/o Shambhu Ram Baghel, Aged About 44 Years, R/o Village Harinbhattha, P. S. Simga, District Balodabazar-Bhatapara Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Office, Police Chowki Bhatgaon, P. S. Bilaigarh, District Balodabazar-Bhatapara Chhattisgarh

---- Non-applicant

And

MCRC No. 7406 Of 2017

- Ramdas Kurrey S/o Ramadhara Kurrey, Aged About 49 Years, R/o Village Barbhata, P. S. And Tahsil Bilaigarh, District Balodabazar-Bhatapara, (Chhattisgarh)

---- Applicant

Vs

- State Of Chhattisgarh Through Outpost Bhatgaon, P. S. Bilaigarh, District Bhatapara- Balodabazar, (Chhattisgarh)

---- Non-applicant

For Applicant(s) –Shri Raghvendra Pradhan, Advocate (in MCRC No.6921/2017),
Shri Amiyakant Tiwari, Advocate (in MCRC No.7406/2017).
For Non-applicant/State – Shri Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

12-01-2018

1. As both these MCRC arise out of the same crime number, i.e., Crime No.256/2015 registered at Outpost Bhatgaon, P.S. Bilaigarh, District Balodabazar-Bhatapara, C.G. for the offence under Section 420, 467, 468, 471, 120-B, 201, 34 of the IPC, they are being decided by this common order.
2. Heard on both the applications filed under Section 439 of the Cr.P.C. These are first bail application before this Court by the applicants for regular bail. The applicants in MCRC No.6921/2017 have been arrested on 07-09-2017 and the applicant in MCRC No.7406/2017 has been arrested on 14-08-

2017 in connection with aforesaid crime number and offence.

3. It is submitted on behalf of the applicants that the applicants have been falsely implicated in this case. No case is made out against them on the basis of the material in the prosecution case against them. Applicants Mangal Das Sonwani and Kishwar Baghel are in jail since 07-09-2017 and applicant Ramdas Kurrey is in jail since 14-08-2017. The charge sheet has been filed before the trial Court and the detention of the applicant is no longer required for the purpose of investigation. It is further submitted that co-accused persons in this case have been granted regular bail and anticipatory bail. Hence, it is prayed that the applicants may be granted regular bail.

4. Learned counsel for the State/non-applicant opposes the applications and submission made.

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

6. The case against the applicants is this, that applicant Ramdas Kurrey is Chairman of Gramin Seva Sahkari Samiti Pirda. According to the policy of the State Government, during the paddy procurement in the year 2013-14, the applicant and his staff by forgery inflated the area under cultivation of the farmers concerned and purchased paddy in excess, for which the State had to suffer loss of Rs.3,00,00,000/-, as the excess payment so made was not for the benefit of the farmers. It is alleged that applicant Ramdas Kurrey and other accused persons have misappropriated the excess payment so made. Applicant Mangal Das Sonwani and Kishwar Baghel have been arrayed as accused on the basis that they had been employees of the Kendriya Bank Maryadit Batgaon, who facilitated in withdrawal of the excess amount and misappropriation.

7. Considered on the submissions made and contents of the case diary. Subsequent to filing of charge sheet, no purpose would be served if the applicants are kept in detention till conclusion of the trial, hence, for this reason

alone, this Court is of the view that the bail applications filed by the applicants deserve to be allowed.

8. Consequently, the applications (MCRC No.6921/2017 and MCRC No.7406/2017) filed under Section 439 of the Cr.P.C. by the applicants are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge