

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3664 of 2018

- Dileshwar S/o Gopinath Aged About 35 Years Caste- Mali, R/o- Village- Gadaghat, P.S. And Tehsil- Devbhog, District- Gariyabandh, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, P.S.- Devbhog, District- Gariyabandh, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Respondent

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MCRC No. 4487 of 2018

- Bhuneshwar Sonvani S/o Adhiram Sonvani Aged About 58 Years R/o Village Sitlijor, Police Station Devbhog District Gariyabandh Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Sho Police Station Devbhog District Gariyabandh Chhattisgarh, District : Gariyabandh, Chhattisgarh

---- Respondent

For Applicants	:	Mr. Kishore Bhaduri with Mr. Pawan Kesharwani, Advocate in MCRC No.3664/2018.
		Mr. Manish Thakur, Advocate in MCRC No.4487/2018.
For Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

12/07/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Both these applications filed under Section 439 of the Code of Criminal Procedure, 1973 are first bail applications on behalf of the applicants for grant of regular bail to them as they are in custody in connection with Crime No.220/2016 registered at Police Station- Devbhog, District – Gariyaband(C.G.) for the offence punishable under Sections 420, 409, 423, 467, 468, 471, 120-B of Indian Penal Code (for short 'IPC').
3. Learned counsel for the applicants submits that applicants are innocent and have been falsely implicated in this case. No case is made out against the applicants the allegation is against both the applicants is totally baseless. Applicant Dileshwar is a Peon and he cannot be a party to the defalcation as he is not a keeper of any record nor accounts. The fact is this, that the higher officials of the Paddy Purchase Centres have committed the offence of defalcations and to save them these petty officials have been made the scape goat, hence, it is prayed that these applicants be granted regular bail.
4. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that there is ample evidence against both these applicants about their participation in the commission of offence, hence, their applications be rejected.
5. Heard both the parties and perused the case diary.
6. According to the case against these applicants, the officials of Adim Jati Sewa Sarkari Samiti Maryadit made fake purchases in the name of

21 farmers of 3433 bags of paddy being 1,31,300 quintals of worth Rs.22,24,222/- and the amount was withdrawn thus loss was caused to the Samiti. Similarly by making excess purchase of 298 quintals of paddy. Other land of Rs.4,79,780/- was also caused to the Samiti, similarly defalcation was also found in purchase of gunny bags and loss of Rs.1,31,309/- caused to the Samiti because of purchase of sub standard paddy further loss was caused to the fine of Rs.5,28,743/-, for which these applicants along with the other co-accused persons were held responsible in the inquiry conducted, hence, the FIR has been lodged.

7. As it appears that after filing of charge-sheet, the case is pending before the Judicial Magistrate First Class. There is no specific reason to keep the applicants in detention till the conclusion of trial, for this reason, I am of this view that this is a fit case where the applicants should be benefited with the grant of regular bail during the pendency of the case against them.
8. Accordingly, the bail applications filed by the applicants in all the cases under Section 439 of the Cr.P.C. are allowed. It is directed that the applicants in all the cases shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- in respect of each crime 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