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HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 919 of 2018**

1. Smt. Prabhati Bai Rawat, W/o. Jaduram Rawat, Aged About 37 Years, R/o. Village Jhakharpara, Post Office, Police Station And Tahsil Deobhog, District Gariyaband Chhattisgarh. (Former Female Wise President In The Board Of Director, Prathmik Krishi Shakha Sahakari Samiti Maryadit Jhakharpara, Deobhog, District Gariyaband Chhattisgarh.
2. Smt. Maina Bai Yadu, W/o. Late Ugrasen Yadu, Aged About 48 Years, R/o. Village Kodobhata, Post Office, Police Station and Tahsil Deobhog, District Gariyaband Chhattisgarh. (Former Member In The Board Of Director, Prathmik Krishi Shakha Sahakari Samiti Maryadit Jhakharpara, Deobhog, District Gariyaband Chhattisgarh.
3. Ugrasen Nagesh, S/o. Goverdhan Nagesh, Aged About 56 Years, R/o. Village Khavanshpara, Post Office, Police Station and Tahsil Deobhog, District Gariyaband Chhattisgarh. (Former Member In The Board Of Director, Prathmik Krishi Shakha Sahakari Samiti Maryadit Jhakharpara, Deobhog, District Gariyaband Chhattisgarh.
4. Prabhulal Yadu, S/o. Gourishankar Yadu, Aged About 48 Years, R/o. Village Darlipara, Post Office, Police Station and Tahsil Deobhog, District Gariyaband Chhattisgarh. (Former Member In The Board Of Director, Prathmik Krishi Shakha Sahakari Samiti Maryadit Jhakharpara, Deobhog, District Gariyaband Chhattisgarh.

----Applicants**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Devbhog, District Gariyaband Chhattisgarh.

---- Respondent**AND****M.CR.C.(A). No. 1173 of 2018**

1. Tulachand Bisi, S/o. Shobha Chandar Bisi, Aged About 42 Years, Caste -Mali, R/o. Village Purnapani, Post Office, Police Station and Tahsil Deobhog, District Gariyaband Chhattisgarh.
2. Kailash Yadu, S/o. Ravishankar Yadu (wrongly mentioned the name of the father of the applicant as Ravishankir iin the rejection order), aged About 50 Years Caste Rawat, R/o Village Sargibahali, Post Office, Police Station And Tahsil Deobhog, District Gariyaband Chhattisgarh.
3. Shyam Lal Tandi, S/o. Kamdev Tandi, Aged About 50 Years, Caste Rawat, R/o. Village Jhakharpara, Post Office, Police Station And Tahsil Deobhog, District Gariyaband Chhattisgarh.
4. Bhuvendra Singh Markam, S/o. Ghasiram Markam, Aged About 52 Years, Caste Gond, R/o. Village Usripani, Post Office, Police Station And Tahsil Deobhog, District Gariyaband Chhattisgarh.

5. Veerbahu Chandrakar, S/o. Balaram Chandrakar, Aged About 51 Years, Caste Kurmi, R/o. Village Sahaskhol, Post Office, Police Station And Tahsil Deobhog, District Gariyaband Chhattisgarh.
6. Damrudhar, S/o. Challan, Aged About 50 Years, Caste Rawat, R/o Village Jhakharpara, Post Office, Police Station And Tahsil Deobhog, District Gariyaband Chhattisgarh.

----Applicants

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station Devbhog District Gariyaband Chhattisgarh.

---- Respondent

For Applicants	: Mr. Kishore Bhaduri, Advocate with Mr. Pawan Kesharwani and Mr. Shivendu Pandya, Advocate
For Respondent/State	: Mr. Ashish Shukla, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/10/2018

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
2. Apprehending arrest in connection with Crime No.42/2015, registered at Police Station – Devbhog, District – Gariyaband (C.G.) for offence punishable under Section 420, 409, 423, 467, 468 & 471, 120 (B) of the Indian Penal Code, the applicants have preferred these applications for grant of anticipatory bail.
3. It is submitted by the learned counsel for the applicants, that the applicants has been falsely implicated in this case. Charge-sheet that was filed after completion of investigation did not reflect the name of these applicants as an accused in this case. The trial Court has arrayed these applicants as accused in this case only on the basis of the statement given by one of the witness namely Anil

Kumar Kateliya, who has made such admission in his cross-examination that according to the enquiry report, all the Board of Directors are equally responsible for the offence that has been committed in this case. It is submitted that all the applicants are the then elected members of Prathmik Krishi Sakh Sahkari Samiti Maryadit, Jhakharpara, under the jurisdiction of Police Station – Devbhog. The inspection report is part of the charge-sheet but the investigation officer has in his wisdom not considered on the potentiality of these applicants to be arrayed as accused. Apart from admission made by one witness, there is no other evidence against these applicants to hold them responsible for the commission of crime in question. Hence, it is prayed that these applicants may be benefited with grant of anticipatory bail.

4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that the trial Court in its detailed order passed on 21.11.2017 has considered on the basis of the reasons mentioned in the order to array the applicant as accused under the provisions of Section 319 of Cr.P.C., as it was found that these applicants have also made some deposits to make good the loss caused to the society, because of the shortage found in the paddy purchase. Hence, the applicants are not entitled to be released on anticipatory bail.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. An enquiry was conducted by the Committee constituted by the Collector, Gariyaband. The enquiry committee submitted report that in the paddy purchase of the year 2013-14, made by the Prathmik Krishi Sakh Sahkari Samiti Maryadit, Jhakharpar, a financial

irregularity of Rs.24,87,772/- was reported on account of fake purchase made by the said paddy purchase center. While filing the charge-sheet, the investigation officer held responsible the Manager and other staff, who had manned the paddy purchase center and the charge-sheet was filed. Arraying all the applicants as accused is a later development.

7. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary, looking to the evidence on the basis of which, the applicants have been made accused in this case and also for the reasons that case is before the trial Court and no requirement have been shown by the counsel for the State for their custodial interrogation , hence for this reasons, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
8. Accordingly, both the anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
9. It is directed that in the event of arrest of the applicants 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 each in the like sum to the satisfaction of the concerned Investigating Officer. The applicants 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 him/her 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram