

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 921 of 2018

- Rajendra Prasad Pandey S/o Shri Rikheshwar Prasad Pandey Aged About 30 Years R/o Dharampura, Police Station Kotwali Jagdalpur District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Sho Police Station Nagarnar District Bastar Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

MCRCA No. 1006 of 2018

- Jagdish Acharya S/o Ram Prasad Acharya Aged About 72 Years R/o- Village- Gumdel, Tahsil- Jagdalpur, District- Bastar, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Nagarnar, District- Bastar, Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

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MCRCA No. 963 of 2018

- Gajendra Panigrahi S/o Jhumuk Lal Panigrahi Aged About 36 Years R/o Village Karitgaon, Police Station Nagarnar District Bastar, Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate Jagdalpur And Police Station Nagarnar, District Bastar, Chhattisgarh, District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent -

For Applicants	:	Mr. Vaibhav A. Goverdhan, Advocate in MCRCA No.921/2018. Mr. Shivendu Pandya, Advocate in MCRCA No.1006/2018. Mr. P.K. Tulsyan, Advocate in MCRCA No.963/2018.
For Respondent/State	:	Mr. Anupam Dubey, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

29/08/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed of by this common order.
2. Applicants in both the cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.107/2018 registered at Police Station-Nagarnar, District – Bastar(C.G.), for the offence punishable under Sections 420/34 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 them. No loss was caused to the State in these matters because of alleged fake entries made in the computer regarding paddy purchase and no amount has been disbursed to any of the beneficiary concerned. Further, there is no evidence about the shortage in the stock of the Paddy Purchase Centre, Karitgaon, to point out any defalcation committed in this case. It is also submitted

that applicant Gajendra Panigrahi was neither posted nor incharge at the time when the alleged incident has taken place. Hence, it is prayed that applicants be granted anticipatory bail.

4. Learned State counsel opposes the bail applications and the submissions made in this respect.
5. Heard both the parties and perused the case diary.
6. The case against these applicants is this, that in connivance with each other they made entries of false purchase of 770 quintals of paddy from 7 farmers in the computer, which was discovered on a complaint made by applicant Jagdish Acharya in MCRCA No.1006/2018 to the Tahsildar, Bakawand, District-Bastar, an inquiry has been conducted in which all these applicants have been held responsible by the inquiry committee. Hence, this case.
7. Considered on entire material present in the case diary, it appears that there is a case of making fake entries in the computer about paddy purchase in the Paddy Purchase Centre Village-Karitgaon, but no amount has been withdrawn and paid to any beneficiary in this case. For these reasons, I am of this view that this is a fit case where applicants should be benefited with grant of anticipatory bail.
8. Accordingly, the anticipatory bail applications of applicants are allowed and it is directed that in the event of her arrest in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on their executing a personal bond in the sum of Rs.25,000/- each with one surety 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 her by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha