

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 99 of 2017

- Roshan Vaishnav S/o Gopal Das Vaishnav, Aged About 28 Years By Caste Bairagi, R/o Village Dhara, Tahsil Dongargarh, District Rajnandgaon, Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Chowki Motara, Thana Dongargarh District Rajnandgaon, Chhattisgarh., Chhattisgarh

---- Respondent -

For Applicant	:	Mr. Parag Kotecha, Advocate.
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

15/03/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.15/2017 registered at Police Station- Dongargarh District – Rajnandgaon C.G.), for the offence punishable under Section 420 of the Indian Penal Code (for short 'IPC').
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that applicant is Incharge Manager of Sewa Sahkari Samiti Maryadit, Ruwatala, Kasari. He was responsible for the purchase of paddy, only for which he has implicated in this case because a clerical mistake has taken place in entering in the document/register concerned, that the paddy collected and purchased was Mota Dhan instead of Sarna Dhan. Hence, it is only a clerical mistake for which he is being prosecuted. He is ready to abide by all the conditions and directions, which may be imposed while

granting bail to him, hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. An inquiry was made by the Food Inspector on the basis of a written complaint. On inspecting he Sewa Sahkari Samiti Maryadit, Ruwatala, it was found that 400 bags of Mota Dhan (paddy) were found in the society in place of Sarna Dhan(paddy of fine rice) because of which the case was registered against this applicant.
6. Considering on the material present in the case diary although there is inspection report on the spot showing presence of paddy bags but there is no specific report about the price of paddy to show that any loss has been caused to the said society or the State. Hence, for this reason, I am of this view that applicant should be benefited with grant of anticipatory bail.
7. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting him on him executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant 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 applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha