

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1935 of 2017**

Ramayan Sahu, S/o. Shri Chakram Sahu, aged about 47 years, R/o. Village - Khamhariya, Police Station – Baradwar, Tahsil – Jaijaipur, Civil and Revenue District – Janjgir – Champa (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Acting through : Officer-in-Charge, Police Station - Baradwar, District -Janjgir - Champa, Chhattisgarh.

---- Respondent

For Applicant	: Mr. K.A. Ansari, Sr. Advocate with Mr. Devesh G. Kela, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**03/01/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.301/2014, registered at Police Station – Baradwar, District – Janjgir – Champa (C.G.) for the offence punishable under Section 409, 34 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant had been President of Seva Sahkari Samiti, Darrabhata and process of paddy procurement was the responsibility of the co-accused person – Braj

Kishore Navrang and others and being the Chairman of the society, he was not involved directly in that process. It is further submitted that on coming to know about the defalcation committed by the co-accused persons, applicant himself had initiated a proceeding for filing suit before the Sub-Registrar, Cooperative Society, Janjgir against the co-accused for recovery of the amount defalcated by him and the case is pending. It is further submitted that charge-sheet was filed against the applicant showing him as absconding accused. When the application of the applicant for grant of anticipatory bail was rejected, he himself has surrendered before the trial Court on 23.11.2016 and he has sent to jail. It is submitted that co-accused Braj Kishore Narange has been convicted and sentenced by the trial Court, thereafter, he has been released on bail by the Appellate Court. As the applicant can not be held to be directly responsible for the defalcation committed in the back drop of the conviction against the co-accused persons, the trial of the case is likely to take sometime for its conclusion, hence prayed that the applicant be granted regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that at the relevant point of time, applicant was in-charge of the paddy procurement center in the year 2012-13. On inspection being made on 19.08.2013 by the Joint Enquiry Committee, a shortage of 10,873.73 quintals of paddy amounting to Rs.1,65,29,593.60 was found for which applicant was directly held responsible, hence, looking to the magnitude of the offence committed, applicant is not entitled to be released on bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. Complainant – Kalram Kahra, Branch Manager, Baradwar, Branch of District Cooperative Central Bank Ltd., Bilaspur, filed an application before the Collector, Janjgir – Champa making a complaint that on enquiry made, a shortage of 10873.73 quintals of paddy amounting to Rs.1,65,29,593.60 has been found for which applicant and co-accused Braj Kishore Narange are directly responsible. On the basis of this information, FIR was lodged and the case was registered against the applicant and other co-accused persons. Applicant remained absconding, hence, the charge-sheet was filed against the co-accused persons.
6. Considered on the submissions made and the contents of the case diary. As it appears on the contents of the case diary that main responsibility of purchase and stocking of the paddy was on the co-accused Braj Kishore Narange and applicant had been the President of the said society at the relevant point of time. Considering the facts and circumstances of the case and further considering the fact that applicant is local resident and his appearance before the trial Court can be ensured by imposing suitable conditions and the trial of the case is likely to take sometimes for its conclusion, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram