

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 1222 of 2018

- Laghu Ram Paikra S/o Nansai Paikra Aged About 70 Years Caste - Kanwar, R/o Ward No.8, Ghichapara, Bildegi, Police Station And Tahsil - Patthalgaon, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station - Patthalgaon, District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondent

M.Cr.C.(A) No. 1232 of 2018

- Smt. Janki Bai Yadav W/o Mohan Yadav Aged About 58 Years Occupation House Wife, Caste Mahkul, R/o Village Ludeg, Police Station And Tahsil Patthalgaon, Civil And Revenue District Jashpur, Chhattisgarh. Mo.No. 7440546389, District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Patthalgaon, Tahsil-Patthalgaon, Civil And Revenue District Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondent

M.Cr.C.(A) No. 1238 of 2018

- Ravishankar Sidar S/o Mangal Singh Sidar aged About 28 Years R/o- Village Baradawan, Post Katangpali (B), Police Station And Tahsil Baramkela, District- Raigarh, Chhattisgarh., District : Raigarh,

Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Patthalgaon, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondent

&

M.Cr.C.(A) No. 1253 of 2018

1. Jagdish Prasad Yadav S/o Mohanram Yadav Aged About 40 Years Occupation- Manager, Adim Jati Seva Sahakari Samiti, Ludeg, R/o Ludeg, Police Station And Tahsil- Patthalgaon, Civil And Revenue District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
2. Jagdish Prasad Khutiya S/o Shri Thuru Khutiya Aged About 50 Years (Wrongly Mentioned In Order Sheet Of Tururam Khutiya), Occupation- Agriculturist, R/o Ludeg, Police Station And Tahsil- Patthalgaon, Civil And Revenue District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
3. Mohan Ram Yadav S/o Shri Madhuram Yadav Aged About 63 Years Occupation- Agriculturist, R/o Ludeg, Police Station And Tahsil- Patthalgaon, Civil And Revenue District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
4. Nidhi Yadav S/o Mohan Ram Yadav Aged About 38 Years Occupation- Agriculturist, R/o Ludeg, Police Station And Tahsil- Patthalgaon, Civil And Revenue District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh
5. Parkhito Yadav S/o Madhuram Yadav Aged About 50 Years Occupation- Agriculturist, R/o Ludeg, Police Station And Tahsil- Patthalgaon, Civil And Revenue District- Jashpur, Chhattisgarh.,

District : Jashpur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Patthalgaon, Tahsil-Patthalgaon, Civil And Revenue District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Respondent

For Applicants	:	Mr. J.K. Saxena, Advocate in M.Cr.C.(A) No.1222/2018. MR. Ratnesh Kumar Agrawal, Advocate in M.Cr.C.(A) No.1232/2018 & 1253/2018. Mr. Manoj Chouhan, Advocate in M.Cr.C.(A) No.1238/2018.
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

22/10/2018

1. Since the above bail applications arise out of the same crime number, they are being disposed off by this common order.
2. Applicants in the above cases have preferred these applications for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.204/2018 registered at Police Station-Patthalgaon, District – Jashpur(C.G.), for the offence punishable under Sections 406, 420, 467, 468, 471 & 120B 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. It is submitted that applicant Jagdish Prasad Yadav in M.Cr.C.(A) No.1253/2018 had been the Manager of Adim Jati Sewa Sahkari Samiti, Ludeg. He has made all the payments to the farmers from whom the paddy was

purchased and in support thereof copies of the accounts of society are annexed along with this application. Rest of the applicants in M.Cr.C. (A) No. 1253 of 2018 have not played any role in the commission of offence as alleged to have been committed. Applicant Laghu Ram in M.Cr.C.(A) No.1222 of 2018 was President of Samiti, Ludeg from year 2009-2014, he has not committed any offence and even he was not a party to the purchase and disbursement of amount to the concerned farmers. It is submitted that though it is the allegation against applicant Smt. Janki Bai Yadav in M.Cr.C.(A) No.1232 of 2018 is that the cheque was issued in her name but it was deposited in the joint account of this applicant and her son Jagdish Prasad Yadav and the applicant had no knowledge about the same, hence, she was not involved in the crime in question.

4. Learned counsel appearing on behalf of applicant Ravishankar Sidar in M.Cr.C.(A) No.1238 of 2018 submitted that this applicant was posted as Computer Operator and thus a contract employee. He had been made a fool by other accused persons. It is also submitted that no embezzlement has taken place according to the audit report. No shortage of stock was found against the payment made for the said paddy purchase. Hence, no case is made out against these applicants. Therefore, it is prayed that applicants be granted anticipatory bail.
5. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that none of the applicants deserve to be released on anticipatory bail as all of them were involved in making fake & false purchase of paddy by making fake entries in the records and thereby in total Rs.1,93,39,661/- has been misappropriated by them. The said paddy purchase was not

found in the stock and the cheques for payment were issued in the names of relatives of these applicants which itself show their involvement in this case. Hence, applications of all the applicants for grant of anticipatory bail is liable to be rejected.

6. In reply, learned counsel for the applicants submits that none of the farmers has any grievance in this case. The purchase that was made was actual and there had been no shortage in the concerned paddy purchase Centre. Hence, the applications be allowed.
7. Heard both the parties and perused the case diary.
8. A written complaint has been given by the Food Inspector, Patthalgaon, stating that in an enquiry conducted on the basis of a complaint made, it was found that fake & forged entries were made in the Paddy Purchase Centre of Adim Jati Sewa Sahkari Samiti, Ludeg regarding purchase of 12481.30 quintals paddy from the farmers. It was also found that cheques against the said paddy purchase were not issued in the names of the farmers from whom the paddy was shown to have been purchased and instead thereof the cheques were issued in the name of relatives of the Manager Jagdish Prasad Yadav. In the inquiry it was also found that initially the cheques were deposited in the bank accounts of the relatives and later on the amount was received by Manager Jagdish Prasad Yadav. It is stated that although the President of Society Jagdish Prasad Khutiya and others have stated ignorance about the purchase and payment thereof but they have also been held responsible in the inquiry made. Hence, this case.
9. After due consideration on all the material present in the case diary, I am of the opinion that applicant namely Jagdish Prasad Yadav is not entitled for grant of anticipatory bail whereas rest of the applicants in

all the cases can be benefited with grant of anticipatory bail.

10. Accordingly, the anticipatory bail application of applicant-Laghu Ram Paikra in M.Cr.C.(A) No.1222 of 2018, applicant-Smt. Janki Bai Yadav in M.Cr.C.(A) No.1232 of 2018, applicant-Jagdish Prasad Khutiya, Mohan Ram Yadav, Nidhi Yadav, Parkhito Yadav in M.Cr.C.(A) No. 1253 of 2018 are allowed and it is directed that in the event of their 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 them by the said Court till disposal of the trial.

11. The anticipatory bail application of applicant Jagdish Prasad Yadav in MCRC(A) No.1253 of 2018 is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge