

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 11 of 2017**

Chandrama Prakash Sahu, S/o. Mahettar, Aged About 28 Years, R/o. Village- Malda, and Police Station- Kosir, Tahsil- Sarangarh, Civil and Revenue District- Raigarh Chhattisgarh.

----Applicant

Versus

State of Chhattisgarh, Through- The Police Station- Koshir, Sarangarh, District- Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. H.S. Ahluwalia, Advocate
For Respondent/State	: Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****24/01/2018**

1. Apprehending arrest in connection with Crime No.57/2012, registered at Police Station – Koshir, Raigarh, District – Raigarh (C.G.) for offence punishable under Section 420, 467, 468, 409, 471 and 120B/34 of the Indian Penal Code and Section 3/7 of Essential Commodities Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. As per the audit report, 187.77 quintals of paddy was found short during the inspection in Gatadih paddy procurement center, of which, the applicant was manager, for which he has been held responsible.

The applicant proposes to challenge the method in which, the inspection was carried out and shortage was found. It is submitted that co-accused persons in this case have already been enlarged on regular bail. Presently, the charge-sheet has been filed and there is no requirement of any custodial interrogation of the applicant for any investigation to be done with respect to this applicant, hence, it is prayed that the applicant be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect. It is submitted that on the joint inspection of Gatadih, Koshir and Jashpur paddy procurement center, a total shortage of 2447.74 paddy worth Rs.26,80,870.60 was found for which, the applicant and other co-accused persons have been held responsible. It is further submitted that co-accused persons in this case had preferred anticipatory bail applications before this Court, which has been rejected by the Coordinate Bench of this Court. It is further submitted that charge-sheet has been filed in absconsion of the applicant and permanent warrant of arrest have been issued against him. The counsel has placed reliance on the case law reported in *2014 (2) SCC 171 in case of State of M.P. Vs. Pradeep Sharma*. Therefore, it is prayed that the applicant may not be released on anticipatory bail.
4. In reply, counsel for the applicant submits that application for anticipatory bail of the co-accused persons were rejected when the investigation of the case was pending, presently, the circumstances have changed as the charge-sheet has been filed. The counsel has placed reliance in the case law reported in *2016 (1) SCC 152 in*

case of Bhadresh Bipinbhai Sheth vs State Of Gujarat & Anr. and prayed that the applicant may be enlarged on anticipatory bail.

5. I have heard the learned counsel for the parties and perused the case diary and the documents.
6. The facts of the case has been briefly discussed above in the submission made by the counsel for both the parties.
7. After lodging of FIR, investigation has been completed and charge-sheet has been filed on 25.02.2015. Considered the submissions made and the contents of the case diary and also perused the order dated 21.11.2014 passed in M.Cr.C.(A) No.1175/2014, order dated 25.06.2014, passed in M.Cr.C.(A) No.426/2014, whereby the applications of the co-accused persons were rejected at the investigation stage and also perused the order dated 27.03.2014, passed in M.Cr.C.(A) No.248/2014 of another co-accused person, whereby the application was rejected granting liberty to the applicant to file fresh application under Section 438 of Cr.P.C. before the Sessions Court. Hence, the case of the applicant appears to be different, hence, looking to the change of circumstances after filing of charge-sheet, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
8. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
9. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram