

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 539 of 2019**

Raghuveer Singh Patel, S/o. Late Dularsingh Patel, Aged About 60 Years, Caste- Patel, R/o. Lankapali, Police Station and Tahsil- Pusoure, District- Raigarh, Chhattisgarh.

----Applicant

Versus

The State Of Chhattisgarh, Through : Police Station- Sakti, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

AND**M.CR.C.(A). No. 575 of 2019**

Gourishankar Agrawal, S/o. Late Sadhuram Agrawal, Aged About 45 Years, R/o. Village - Baradwar, Tahsil Sakti, District Janjgir Champa Chhattisgarh.

----Applicant

Versus

The State Of Chhattisgarh, Through : Police Station- Sakti, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicants	: Mr. Hemant Kumar Agrawal (in M.Cr.C.(A) No.539/2019) & Mr. Surfaraj Khan (in M.Cr.C.(A) No.575/2019, Advocates
For Respondent	: Mr. Lav Sharma, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/04/2019**

- Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and the incident.
- Apprehending arrest in connection with Crime No.149/2019, registered at Police Station – Sakti, District – Janjgir – Champa (C.G.) for offence punishable under Section 420, 34 of the Indian Penal Code, the applicants have preferred these applications for grant of anticipatory bail.

3. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants on the basis of the material present in the case diary. The seizure of bags of paddy that has been made by Tahsildar and Naib Tahsildar, Sakti is erroneous not being connected with paddy collection center Sakti. The owner of that paddy was one Manoj Gabel, who has filed an application for grant of custody of the paddy to him on Supurdnama before the Court below, therefore, the case is without any basis against these applicants. The applicant – Gaurishankar Agrawal happens to be a rice miller and the applicant Raghuveer Singh Patel is incharge of the said paddy collection center, who have not committed any offence. Therefore, it is prayed that the applicants be granted anticipatory bail.
4. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect. It is submitted that without physical verification of the paddy present in the paddy collection center, Sakti, it can not be said that defalcation has not been made and both the applicants have been found responsible by the police, in the investigation made so far. Therefore, it is prayed that the applications be rejected.
5. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
6. Report has been received from District Marketing Officer, District Janjgir – Champa that on verifying the Bardana (packing material), no shortage have been found in the said paddy collection center and it is further stated that unless the whole stock of the paddy is verified, shortage, if any, can be reported only then.

7. As there is no shortage of Bardana and already one claimant has come forward to claim the seized paddy in this case, therefore, under these circumstances, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicants.
8. Accordingly, the both anticipatory bail applications filed under Section 438 of Cr.P.C. are allowed.
9. It is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the officer arresting them on executing a personal bond in sum of Rs.25,000/- with one surety each 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge