

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1458 of 2019

- Than Singh Rajput S/o Late Arjun Singh Rajput Aged About 51 Years (Sahayak Samiti Prabndhak), Sewa Sahkari Samiti Maryadit Aamdani, Registration No. 116, Tehsil Khairagarh District Rajnandgaon Chhatisgarh Permanent R/o Village Singaarghat Tehsil Khairagrh District Rajnandgaon Chhatisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Khairagarh District Rajnandgaon Chhattisgarh

---- Respondent

AND

MCRCA No. 1545 of 2019

- Yogesh Singh Goutam S/o Nandu Singh Goutam Aged About 35 Years Clerk, Sewa Sahkari Samiti Maryadit, Aamdani, R/o Village Sandi, Police Station And Tahsil Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant (In MCRCA No. 1458/2019): Mr. Rakesh Pandey, Advocate.

For Applicant (In MCRCA No. 1545/2019): Mr. Rakesh Pandey, Advocate.

For Respondent/State : Mr. Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

28/11/2019

1. Since both the bail applications arise out of same crime number, therefore, they are being decided by this common order.
2. The applicants have filed these bail applications for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 295/2019, registered at Police Station Khairagarh, Distt. Rajnandgaon (C.G.) for the offence punishable under Sections 420, 478, 471 & 34 of the IPC.
3. As per prosecution story, one Chandresh Singh, Ex Director of Board of *Sewa Sahkari Samiti*, Aamdani made a complaint before concerned Police Station with the effect that in the year 2012-13, the Committee has disbursed amount of agriculture insurance to ineligible persons amounting to Rs. 3,88,934.37/- whereas eligible persons were not paid the amount of insurance. On the basis of said background, Police has registered FIR in the year of 2019.
4. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and have been falsely implicated in the present case. Alleged act was committed by co-accused Pramod Agrawal, it has been reported by the SHO Khairagarh vide Annexure A-2 that amount of insurance has already been deposited in the accounts of respective eligible agriculturists. Co-accused Pramod Agrawal in his statement has admitted that due to his mistake amount of insurance of 96 agriculturists was deposited in the accounts of other agriculturists but the same has been rectified and amount has been refunded to eligible agriculturist. The counsel further submits that the incident had taken place in the year of 2012-13 whereas applicant Than Singh Rajput has taken his charge in the

said Samiti in the year 2014. Thus, it is established that the alleged act has been done by co-accused Pramod Agrawal the applicant is not responsible for the alleged act. The Counsel further submits that no role has been by applicant Yogesh Singh Goutam in the crime in question. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.

5. Per contra, learned counsel appearing on behalf of State opposes the bail applications.
6. I have heard learned Counsel for the parties and perused the case diary minutely.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced learned counsel appearing for the parties and further considering the fact that in the statement of co-accused Pramod Agrawal, he has admitted the fact that due to his mistake the amount was deposited in the accounts of other agriculturists but the same has been rectified and amount has been refunded to eligible agriculturists. Applicant Than Singh Rajput has taken his charge in the said Samiti in the year 2014, without further commenting on other merits of the case, in my considered opinion, the present applicants are entitled to grant of anticipatory bail.
8. Accordingly, the anticipatory bail applications are allowed.
9. It is directed that in the event of arrest, the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs. 25,000/- with one solvent surety for the like sum to the satisfaction of the officer arresting them and they shall abide by all the following terms and conditions:-
 - I. That the accused/applicants shall made themselves available for interrogation before the concerned Investigating Officer as and when required;

- II. The accused/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. The accused/applicants shall not act, in any manner which will be prejudicial to fair and expeditious trial; and
- IV. 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.

Sd/-

(Arvind Singh Chandel)
Judge