

HIGH COURT OF CHHATTISGARH, BILASPURM.Cr.C.No.9894 of 2018

Santu Yadav, S/o Late Tribhuvan Yadav, aged about 40 years, Society Managar, Sewa Sahkari Samiti, Malhar, R/o Village Dhangavan, Post Pakariya, PS and Tehsil Masturi, District Bilaspur (CG)

-----Applicant

Versus

State of Chhattisgarh, through SHO, Police Station Masturi, District Bilaspur (CG)

---- Non-applicant

For Applicant	:	Mr.Sunil Otwani, Advocate
For Non-applicant	:	Mr.S.K.Agrawal, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

20/03/2019

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.259/2014, registered at Police Station-Masturi, District-Bilaspur (CG), for the offence punishable under Sections 406, 408, 409, 420, 467, 468, 471, 120-B and 201 of the IPC.
2. Case of the prosecution, in brief, is that under fake procurement of paddy under Government procurement scheme, a huge quantity of paddy flowed into system through fake identity. It is alleged that the Manager of the Society and Manager & Cashier of the Bank are involved in preparing such fake identity and clearance of fund through the Bank and thereby caused loss of ₹ 2,71,79,740/-.

3. Learned counsel appearing for the applicant would submit that the applicant bonafide discharged his duty. Whatever, quantity of paddy is offered for purchase under the Government procurement scheme is purchased after due verification of the agriculturist and relevant records relating to area of land under cultivation and upon computation of production on area basis. He further submits that if later on it has been found that some of the persons have submitted paddy much more than what was actually grown by them as agriculturist or paddy has been offered for purchase by those who were not even agriculturists and had not even grown paddy in the area. He also submits that charge-sheet has already been filed, the applicant is in jail since 29.7.2018 i.e. more than 8 months, there are 38 witnesses and the trial is likely to take time and no useful purpose will be served by detaining him in jail, as such, he be granted regular bail.
4. On the other hand, learned Government Advocate for the State would oppose the bail application and submit that the applicant is main accused and he is involved in procurement of paddy and disbursal of more than ₹ 2,71,79,740/-.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, taking into the fact that charge-sheet has already been filed, considering the fact that trial is likely to take time and particularly considering the fact that the applicant is in jail since

29.7.2018 i.e. approximately ³ 8 months and keeping in view the decision of the Supreme Court in the matter of Sanjay Chandra v. Central Bureau of Investigation¹, 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 the applicant shall be released on bail on his furnishing a personal bond in the sum of ₹ 1,00,000/- 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/-

(Sanjay K. Agrawal)
JUDGE

B/-

1 (2012) 1 SCC 40