

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 35 of 2020**

Mayaram Sahu S/o Shri Kheduram Sahu, aged about 42 years R/o Village Tundari, Thana & Tahsil Bilaigarh, Civil and Revenue Distt. Balodabazar-Bhatapara (C.G.)

---- Applicant**Versus**

State of Chhattisgarh Through S.H.O. Police Station Bilaigarh, Distt. Balodabazar-Bhatapara (C.G.).

---- Respondent**AND****MCRCA No. 132 of 2020**

Shivkumar Sahu S/o Shri Radheshyam Sahu, aged about 40 years R/o Village Purgaon, Thana & Tahsil Bilaigarh Civil & revenue Distt. Balodabazar-Bhatapara (C.G.)

---- Applicant**Versus**

State of Chhattisgarh Through S.H.O. Police Station Bilaigarh, Distt. Balodabazar-Bhatapara (C.G.).

---- Respondent

For Applicants (in bothcases) :	Mr. Sunil Sahu, Advocate
For Respondent :	Ms. Hamida Siddique, Dy. Adv. General

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**08/06/2020**

1. These matters are heard through video conferencing.
2. Since both the cases relate to same crime number, therefore, they are

being decided by this common order.

3. The applicants have filed these applications under Section 438 of the Cr.P.C for grant of anticipatory bail as they are apprehending their arrest in connection with Crime No. 313/2019 registered at Police Station Bilaigarh, Distt. Balodabazar-Bhatapara (C.G.) for the offence punishable under Section 420/34 of the Indian Penal Code.
4. According to the case of the prosecution, applicant Mayaram Sahu was Fund In-charge and applicant Shiv Kumar was the Hemaal Mukhiya in Prathmik Krishi Saakh Sahakari Samiti Maryadit, Tundri. According to the case of the prosecution, on 13/12/2019 at about 11 am, the stock register of the said Sahakari Samiti was inspected and it was found that 33.20 quintiles of paddy amounting to Rs. 83,000/- was found access and thereby the applicants caused loss to the government. On the basis of report made by one D.K. Bhardwaj, offence was registered.
5. Learned counsel appearing on behalf of the applicants submits that the applicants are innocent and they have been falsely implicated in the present case. The spot inspection and verification of the stock was made on 13/12/2019 at about 11:30 am on the basis of stock register dated 12/12/2019. The purchase of paddy was started from 9:00 am on 13/12/2019. 20.80 quintal of paddy was purchased from Dhurandher vide receipt no. 93735 and 12.40 quintal vide receipt no. 93728 was purchased from Sunder. Therefore, at the time of physical verification at about 11:30, access paddy was found. He further submits that the amount of the said purchased paddy have already disbursed to the said agriculturist through online payment. Thus,

prima-facie no case is made out against the applicants.

6. Learned counsel appearing on behalf of the State opposes the said applications.
7. I have heard counsel for the parties.
8. Considering the facts and circumstances of the case, particularly the argument advanced by counsel for the parties, without further commenting on other merit of the cases, I am inclined to give benefit of anticipatory bail to the applicants.
9. Accordingly, the anticipatory bail applications are allowed.
10. 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.10,000/- with one surety each 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 make 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.
11. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge