

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 605 of 2020**

Hemant Kumar Guru S/o Tekshing Guru, aged about 59 years Posted as Samiti Prabhandhak, Jila Sahakari Kendriya Bank Maryadit Branch Gurur, District Balod (C.G.) R/o Village Kosa Gondi P.S. Gurur and District Balod (C.G.)

---- Applicant**Versus**

State of Chhattisgarh through Station House Officer, Police Station- Gurur, District Balod (C.G.)

---- Respondent

For Applicant	:	Mr. B.P. Singh, Advocate
For Respondent	:	Mr. Ghanshyam Patel, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**28/09/2020**

1. The matter is heard through video conferencing.
2. The applicant has filed this application under Section 438 of the Cr.P.C for grant of anticipatory bail as he is apprehending his arrest in connection with Crime No. 171/2020 registered at police station – Gurur, District Balod (C.G.) for the offence punishable under Sections 420 & 409 of the IPC.
3. According to the case of the prosecution, the applicant was posted as Samiti Prabhandhak in Seva Sahakari Samiti Maryadit Branch Gurur. During the year 2019-20, the applicant had purchased 94373.202 quintal of paddy. Out of the said paddy 2046.4 quintal paddy was sent to the paddy collection center and 91486.70 quintal was sent to the

Rise millers. On 15/05/2020 at the time of physical verification total 843.10 quintal of paddy was found shortage amounting to Rs. 16,07,750/-. It has been alleged that the applicant has not purchased the said paddy directly, but violating the rules, he had purchased the said paddy through contractor and also committed some irregularities. After physical verification, the matter was reported and on that basis offence has been registered.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Referring to the Clause 16.4 of the guidelines, it has been submitted by the counsel that according to the guidelines, it was the duty of Markfed Company to lift the said paddy within stipulated period, but the same was not done. Thereafter, due to frequent change in climate, the paddy collected by the applicant got damaged. Further referring to the report dated 21/08/2020, it has been submitted that according to the report, no shortage of paddy was found in the said center, therefore, prima-facie no offence is made out against the applicant. He prays to extent the benefit of anticipatory bail to the applicant.
5. Learned counsel appearing on behalf of the State opposes the said application.
6. I have heard counsel for the parties.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution, other material contained in the case

diary, documents annexed by the applicants and after perusing the provisions of the agreement, without further commenting on other merit of the case, I am inclined to extend the benefit of anticipatory bail to the applicant.

8. Accordingly, the anticipatory bail application is allowed.
9. It is directed that in the event of arrest, the applicant shall be released on bail on furnishing a bond in the sum of Rs.10,000/- with one surety for the like sum to the satisfaction of the officer arresting him and he shall abide by all the following terms and conditions:
 - i. That, the accused/applicant shall make himself available for interrogation before the concerned Investigating Officer as and when required;
 - ii. The accused/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. The accused/applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - iv. 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.
10. Certified copy, as per rules.

Sd/-
(Arvind Singh Chandel)
Judge