

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 983 of 2020**

- Amit Kumar Azad S/o Late Daulat Ram Azad Aged About 35 Years R/o Village Sundravan, Police Station- Gidhpuri District- (Revenue And Civil) Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station Gidhpuri District- (Revenue And Civil) Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Sumit Jhawar, Advocate.
For Respondent/State	:	Mr. Alok Bakshi, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****25/09/2020**

Heard.

1. The applicant is apprehending his arrest in connection with Crime No.120/2019 registered at police station– Gidhpuri District- (Revenue And Civil) Balodabazar-Bhathapara, (C.G.) for alleged commission of offence under Sections 420, 418 & 34 of Indian Penal Code.

2. Prosecution case is that the applicant was incharge of Paddy Procurement Center and in that center, applicant allowed unauthorized deposit of 1027 bags of paddy allegedly brought by middle men and not by agriculturists and in this manner, applicant committed cheating by accepting paddy of persons other than agriculturists which alone could be accepted in the Paddy Procurement Center under the Government Paddy Procurement Scheme on minimum support price.

3. Learned counsel for the applicant would submit that allegation against the applicant is false and based on finding of alleged excess number of bags. He would submit that it is only a case of lack of proper supervision but there is no criminality involved. He would argue that on 13.12.2019, when inspection

was carried out, the head of *Hamals* Shushil Kumar Nishad clearly stated that while accepting deposits of paddy by agriculturists, certain irregularities had crept in and this was not informed to the present applicant. He would submit that 8 agriculturists, who had come to the Paddy Procurement Center for deposit of their paddy, which amount to alleged excess of paddy, have stated in their affidavits that the paddy was brought in the center on 12.12.2019 but on that day, formalities of preparation of token could not be completed and it was not possible for the agriculturists to again take back the paddy from the center and all necessary formalities were to be done on the next day, but on that day, inspection was carried out, therefore, the applicant may be benefitted of anticipatory bail.

4. On the other hand, learned state counsel opposes and submits that when inspection was carried out on 13.12.2019 by a team of officers, 1027 bags of paddy were found in excess which were not supported from records of the Procurement Center meaning thereby that the applicant allowed deposit of paddy on minimum support price by unauthorized person and only after inspection was made, now, the applicant is coming out with an afterthought grounds by collecting affidavits of villagers. He would further submit that bags were also found less in number, that means, in the Paddy Procurement Center gross irregularities were being committed.

5. On *prima facie* consideration, it appears that the applicant was working as incharge of Paddy Procurement Center and when inspection was carried out on 13.12.2019, about 1027 bags of paddy was found in excess. On that day itself, the report was prepared which shows that the head of *Hamals* Shushil Kumar Nishad stated that this happened due to certain irregularities, which were not in the notice and knowledge of the present applicant. Shushil Kumar Nishad was later on treated as main accused. There are affidavits of 8 agriculturists, who have stated that they had brought their paddy on 12.12.2019, but for one reason or other, formalities of preparation of token could not be completed on that day and on the next day, inspection was carried out and excess bags were found.

6. Taking into consideration the aforesaid material, I am inclined to protect the applicant with anticipatory bail. The bail application is allowed. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the

satisfaction of the arresting officer and the applicant shall abide by all the following terms and conditions -

- (i) that the applicant shall make himself available for interrogation by a Police Officer as and when required;
- (ii) that he 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 from disclosing such facts to the Court or to any Police Officer.
- (iii) that he shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Ravi