

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRCA No. 956 of 2020

1. Deepak Singh S/o Late Devendra Singh Aged About 29 Years R/o Vill.- Bharda, Tahsil Mungeli, Dist.- Mungeli (CG)
2. Saurabh Singh S/o Late Yashwant Singh Aged About 30 Years R/o Vill.- Ghorpura, Tahsil Mungeli, Dist.- Mungeli (CG)

---- Applicants

Versus

State Of Chhattisgarh Through, Thana Incharge/station House Officer,
Police Station Kotwali, Mungeli, Dist.- Mungeli, (CG).

---- Respondent

For Applicants	:Mr. Vivek Sharma, Advocate.
For Respondent/State	:Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/09/2020

1. The applicants have filed this bail application for grant of anticipatory bail under Section 438 of the Cr.P.C. as they are apprehending their arrest in connection with crime no. 376/2020, registered at Police Station City Kotwali, Distt. Mungeli (C.G.) for the offence punishable under Sections 409 & 34 of the IPC.
2. In this case, applicant no. 1 Deepak Singh was Paddy Purchase In-charge and applicant no. 2 was Computer Operator in Paddy Procurement Centre Pandarbhatta. According to the case of prosecution, a physical inspection was conducted in the said Paddy Procurement Centre wherein 1127 Quintals of paddy found in shortage. Allegedly, the applicants have embezzled the said quantity of paddy, therefore, as alleged by the prosecution, the applicants have embezzled the fund of State Government. On the basis of said background, offence has been registered.
3. Learned counsel appearing on behalf of the applicants submits that the

applicants are innocent and have been falsely implicated in the present case. He further submits that if the entire case of prosecution taken as it is, prima facie no offence can be made out against the applicants. Learned counsel for the applicants referred various clauses of agreement and argued that Markfed and the District Cooperative Central Bank have acted contrary to the agreement, Markfed has not issued demand order needed for taking of paddy exceeding buffer stock limit within a period of 72 hours such excess paddy nor taking of purchase paddy within a period of one month from the date of purchase of such paddy by the society and also not complied with the compulsory requirement under the agreement for taking of total paddy purchased by the society on or before 28.02.2020. There have been spurts of rain intermittently and the monsoon has already started, therefore, condition of purchased paddy has been deteriorated and the shortage has been found. The Counsel further referring various clauses of the agreement and it has been argued by the Counsel that insurance of the purchased paddy has also not been done, the matter is of civil nature and the shortage of paddy can be recovered. The Counsel further submits that the applicants had made a representation clearly depicting the reasons for shortage as per Annexure-A-7 & Annexure-A-8 of the bail application. The Counsel lastly submits that the matter is totally based upon documentary evidence and there is no requirement of custodial interrogation of the applicants. Hence, it is prayed that the applicants may be granted benefit of anticipatory bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution, arguments advanced by both the counsel appearing for the parties and after perusal of various clauses of the agreement as referred by Counsel for the applicants. Without further commenting on other merits of the case, in my considered opinion, it is a fit case for grant anticipatory bail to the applicants.
7. Accordingly, the anticipatory bail applications are allowed.

8. 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 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