

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6355 of 2020**

- Indra Kumar Verma S/o Surju Ram Verma Aged About 46 Years R/o Village Junwani, Police Station Pathariya, District : Mungeli, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer Of Police Station Pathariya, District : Mungeli, Chhattisgarh

---- Respondent

For Applicant/s	:	Mr. Pallav Mishra, Advocate.
For State	:	Mr. Animesh Tiwari, Dy. A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****20/10/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.238/2020 registered at Police Station- Pathariya, District- Mungeli, C.G. for the alleged commission of offence under Sections 409 & 34 of IPC.
2. Prosecution case is that the present applicant was working as agent and co-accused were working as Manager and Computer Operators of Paddy Procurement Centre, Sildaha. According to the prosecution, a physical inspection was conducted in the said Paddy Procurement Centre, wherein, 820.17 Quintals of paddy was found shortage. It is alleged that in the said shortage, present applicant and other co-accused are involved.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that if the entire case of the prosecution taken as it is, prima facie no offence can be made out against the applicant. Referring various clauses of agreement dated 01.12.2019, it has been argued by learned Counsel for the applicant 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 lastly submits that the matter is totally based upon documentary evidence and there is no requirement of custodial interrogation of the applicant. Hence, it is prayed that the applicant may be granted bail.

4. On the other hand, learned State Counsel opposes and submits that the applicant and other co-accused were all In-charge and working in the Paddy Procurement Centre and for any shortage of paddy, the applicant is equally responsible and thus, a prima facie case is made out.
5. Having heard learned counsel for the parties, 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 persual of various clauses of the agreement as referred by learned counsel for the applicant, without further commenting on other merits of the case, in my considered opinion, present is a fit case for grant of bail to the applicant because other three persons have been granted anticipatory bail by this Court vide common order dated 14.09.2020 in MCRCA/916/2020 on considerations which apply equally to all the accused. As investigation is complete and charge sheet has also been filed.
6. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-

(Manindra Mohan Shrivastava)
Judge