

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C. No.604 of 2021

Budhra Ram Kartami @ Budhram S/o Ganga Kartami, Aged About 42 Years, Caste -Gond, R/o Village -Puriras Talnar, Police Station -Chhindgarh, Tahsil- Chhindgarh, District -Sukuma (CG).

---- Applicant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station -Chhindgarh, District -Sukuma (CG).

--- Respondents

For Applicant	: Mr. Subhash Yadav, Advocate.
For Respondent/State	: Mr. Ashish Tiwari, GA.

Hon'ble Shri Parth Prateem Sahu, J
Order on Board

03/03/2021

Heard.

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to applicant, who has been arrested in connection with Crime No.12/2020, registered at Police Station -Chhindgarh, Distt -Sukma, (C.G), for the offence under Section 409 of the Indian Penal Code.
2. Case of the prosecution is that on physical verification done by Praveen Kumar Dhruv & Arvind Kumar Dhruv, Food Inspectors in Food Department, Distt -Sukma, it has been found that Paddy Procurement Centre, Kodripal has procured 38,000- quintals of paddy from farmers, out of total paddy purchased, 36,863.09- quintals paddy has been transported to the Markfed and balance 1,138.31- quintals of paddy was not found at Society Purchase Center. On the aforesaid basis, Arvind Kumar Dhruv lodged FIR based upon which aforementioned crime was registered against present applicant, who is the Society Manager of Lamps, Kodripal.

3. Learned counsel for the applicant submits that paddy purchase starting date was 01.12.2019, which normally ends in the end of January. As per, guidelines issued by the federation, paddy purchased at procurement centre is to be lifted by the federation within 72 hours. Paddy purchased by applicant was lifted till the month of April, hence, there may be chance of reduction in weight of each bag, due to dryness, as entire paddy has been kept in open land under the sun. Applicant has not mis-appropriated any paddy or amount from the Society, he is in jail since 23.12.2020, hence, he may be released on bail.
4. Learned counsel for the State opposes the submissions made by learned counsel for the applicant and submits that upon inspection, shortage of paddy has been detected by Praveen Kumar Dhruv & Arvind Kumar Dhruv, food inspectors in society and on the basis of which, FIR was registered against applicant. Applicant has not been able to give satisfactory explanation with regard to shortage in the quantity of paddy purchased by the Society of Kodripal. Investigation is continuing, hence, at this stage, applicant may not be granted bail.
5. Heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, nature of allegations, total quantity of paddy purchased by the Society, difference in quantity of paddy detected by food inspector during verification based on the documents available in the Society, period of detention of applicant, who is government servant, without commenting anything on merits of the case, I am inclined to allow bail application of applicant.
7. Accordingly, bail application is allowed. It is directed that applicant shall be released on regular bail, on his furnishing bail bond in sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the Court

on the conditions that-

- a) Applicant shall appear as and when directed by the investigating agency during the course of investigation.
- b) Applicant 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.
- c) If he is found involved in similar offence in the future, it will be open for the State to apply for cancellation of Bail.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)
Judge

Jamal/-