

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.928 of 2021

- Fagulal Bariha, S/o Shri Munchuram Bariha, aged about 57 years, Occupation- Service, Posted as Manager Prathmik Krishi Sakh Sahakari Samiti Teka, Distt. Mahasamund, current R/o village Rajadevri, Thana- Rajadevri, District Balodabazar Bhatapara (CG).

---- Applicant

Versus

- The State of Chhattisgarh, through the Station House Officer, Police Station Rajadevri, Distt. Balodabazar Bhatapara (CG)

---- Non-applicant

For Applicant	:	Mr. Sunil Sahu, Advocate
For Non-applicant	:	Mr. Vimlesh Bajpai, Govt. Advocate

Hon'ble Mr. Justice Parth Prateem Sahu

Order On Board

17/8/2021

1. This is an application under Section 438 of CrPC for grant of anticipatory bail to applicant as he apprehends his arrest in connection with Crime No.51/2019 registered at Police Station Rajadevri, District Balodabazar Bhatapara (CG) for commission of offence punishable under Sections 120(B), 420, 467, 468 & 471 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that the employees and elected members of Co-operative Society, Deori Nagedi in connivance have shown purchase of excess paddy during the year 2012 to 2014 by increasing area of agriculture field of the farmers. It is further case of prosecution that employees of said society have taken Kisaan Book from the farmers, kept the same with them for some time and manipulated the entries made therein with regard to area of land and thereby caused huge loss to the public ex-chequer and the government. Report of incident was lodged on 12.9.2019 based on which instant crime is registered against present applicant and others.
3. Mr. Sunil Sahu, learned counsel for applicant submits that based on the complaint alleging commission of some irregularities in purchase of paddy from the year 2012 to 2014,

three enquiries were conducted by the officers of Co-operative Department in the year 2015, 2018 & 2019 and in all these enquiries nothing was found against the society employees or its elected members. He further submits that after the Legislative Elections, 2019, the Member of Legislative Assembly and the Minister concerned wrote letter on 17.2.2019 to the Deputy Registrar to get FIR registered in respect of financial irregularities committed by the Primary Cooperative Society, Deori Nagedi. Thereafter yet another letter was written by the Minister concerned on 18.2.2019 to the Collector for registration of FIR against erring persons. He further submits that on the basis of letters written by the Minister, instant FIR is registered against present applicant and other accused persons. He further submits that co-accused persons namely Mithilesh Nayak, Suresh Nayak, Omprakash Patel and Sushil Patel have already been granted anticipatory bail by Co-ordinate Bench in M.Cr.C.(A) Nos.696/2020, 95/2021, 178/2021 & 281/21 respectively. Allegations against present applicant are also similar to co-accused who have been granted anticipatory bail. Hence, present applicant may also be granted anticipatory bail.

4. Mr. Vimlesh Bajpai, learned Government Advocate for the State opposes the submissions made by learned counsel for applicant and submits that as per allegation, huge financial irregularity has been committed by accused persons including present applicant in purchase of paddy from the year 2012 to 2014, hence present applicant is not entitled for grant of anticipatory bail. However, upon putting a specific query with regard to nature of allegation against present applicant, learned State Counsel submits that allegations against present applicant are similar to that of co-accused who have already been enlarged on anticipatory bail.
5. I have heard learned counsel for the parties.
6. Taking into consideration the nature of allegations levelled

against present applicant, the entirety of the facts and circumstances of case and further considering that allegation against present applicant is similar to that of co-accused persons namely Mithilesh Nayak, Suresh Nayak, Omprakash Patel and Sushil Patel who have been granted anticipatory bail by Co-ordinate Bench, without commenting anything on merits, I am inclined to extend benefit of anticipatory bail to applicant.

7. Accordingly, this anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection with the crime in question, he shall be released on anticipatory bail by the officer arresting him on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the Arresting Officer. Applicant shall also abide by following conditions:

- (i) that he shall make himself available for interrogation before Investigating Officer as and when required;
- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with facts of case so as to dissuade him/her from disclosing such facts to 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 & every date given to him by said Court till disposal of trial.

Sd/-
(Parth Prateem Sahu)
Judge

roshan/-