

(Proceedings through video conferencing)

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.915 of 2021

- Anil Kumar Rathiya, S/o Rameshwar Rathiya, aged about 32 years, R/o village Semipali, Tahsil Dharamjaigarh, District Raigarh (CG)

---- Applicant

Versus

- State of Chhattisgarh, through Police Station Dharamjaigarh, District Raigarh (CG)

---- Non-applicant

For Applicant	:	Mr. Ashutosh Mishra, Advocate
For Non-applicant	:	Mr. B.L. Sahu, Panel Lawyer.

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.162/2021 registered at Police Station Dharamjaigarh, District Raigarh (CG) for commission of offence punishable under Sections 409 & 34 of IPC.
2. Case of the prosecution, in brief, is that complainant K.S. Chandra, Co-ordinator, Apex Bank, Raigarh made a complaint to the police mentioning that in the enquiry conducted by the enquiry team constituted on the direction of the Collector, the President, Manager, Fud In-charge, Data Entry Operator, Gunny bag In-charge and other members of the Board of Directors of Adim Jati Sewa Shahkari Samiti, Khadgaon have jointly committed irregularities in procurement of paddy on support price in Khariff Marketing Year 2020-21 and thereby they have misappropriated Rs.58,23,990/- of the government fund. Present applicant is shown to be working as Data Entry Operator in Adim Jati Sewa Shahkari Samiti, Khadgawan. On the basis of complaint made by K.S. Chandra, FIR is registered on 16.7.2021 against present applicant and other members of the Samiti.
3. Mr. Ashutosh Mishra, learned counsel for applicant submits that

present applicant is working as Data Entry Operator and as per nature of his job, he has to work on computer in the office. Present applicant used to make entries in computer based on data and documents supplied to him by other employees of the society. His work is not to supervise activities of weightment, purchase and stocking of paddy on the spot. On the basis of slips / data provided to him by the employees who were deputed on the spot where weightment of paddy etc. is done, applicant has made entries in the computer regarding paddy procured by the society from the farmers. Applicant has made entries of outgoing stock based on information supplied to him from paddy stacking places through some other persons monitoring loading of paddy in trucks. Security guards are also deputed for taking care of paddy stacked in open place. It is further argued that as per guidelines issued by the State Government, paddy procured by any procurement centre is to be lifted by the State Marketing Federation within 72 hours but paddy procured by the applicant's society was not lifted within specified period and it was lying under open sky directly under sunlight, therefore, there was loss of weight, decaying of some paddy due to direct sunlight and rains. When the contents of clauses of agreement were not complied with even after several request letters, the society of applicant filed writ petition bearing WPC No.1910/2021 before the High Court and the same was disposed of vide order dated 7.6.2021 directing the State Marketing Federation to decide representation submitted by the society of applicant as per terms of agreement within specified period. He further submits that looking to the nature of work of present applicant i.e. Data Entry Operator, who was deputed to make entries in the computer based on data supplied to him, even on enquiry and stock verification, if some shortage is found in stock and gunny bags, present applicant is having no role in said shortage of stock or gunny bags. Some other person is appointed as In-charge of gunny bags, distributing the same to farmers and maintaining records of gunny bags. He submits that looking to nature of

employment of present applicant, he may be enlarged on anticipatory bail.

4. Mr. B.L. Sahu, learned Panel Lawyer for the State opposes the submissions made by learned counsel for applicant and submits that loss caused to the State ex-chequer is of Rs.58,23,990/-, present applicant in connivance with other accused persons has committed irregularities and misappropriated funds. He further submits that upon conducting enquiry and verification of stock, the enquiry team found shortage of 2241 quintal of paddy and 14766 nos. of gunny bags. Hence, present applicant is not entitled to be released on anticipatory bail.
5. I have heard learned counsel for the parties. Perused the case diary.
6. Employment of present applicant as Data Entry Operator is not disputed. Nature of work of Data Entry Operator is to make entries in computer based on data supplied to him. Data with regard to procurement of paddy from farmers is to be supplied by other persons deputed at the place where weighment, procurement and stacking of paddy is done i.e. open place. Entries of outgoing are made by Data Entry Operator upon receiving data from the person present at the ground, applicant is posted in the office.
7. Taking into consideration the nature of allegations; the fact that present applicant is Data Entry Operator whose work is to feed entries in computer based on data supplied to him by persons deputed at the place where weighment, procurement and stacking of paddy is done, without commenting anything on merits, I am inclined to grant benefit of anticipatory bail to applicant.
8. Accordingly, this anticipatory bail application is allowed and it is directed that in the event of arrest of applicant in connection with 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/-