

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6189 of 2021**

- Bharat Chandra, S/o Dhaniram Chandra, Aged about 45 years, R/o Village- Salaunikala, Police Station- Bhatgaon, District- Balodabazar-Bhatapara (C.G.).

---- Applicant

Versus

- State of Chhattisgarh, through- Station House Officer, Police of Police Station- Bilaigarh, District- Balodabazar-Bhatapara (C.G.).

----Non-applicant

For Applicant
For State

Shri Raghvendra Pradhan, Advocate.
Shri Anand Verma, Deputy G.A.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board

30/09/2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No. 207/2020 registered at Police Station- Bilaigarh, District- Balodabazar-Bhatapara, C.G. for the offence punishable under Sections 408, 409 & 34 of the IPC.
2. Case of the prosecution, in brief, is that the applicant Bharat Chandra is the Society Manager and other co-accused Lakheswar Chandra is the Fund In-charge of the Prathmik Krishi Sakh Sahakari Samiti Maryadit, Salounikala, District- Balodabazar-Bhatapara. The society was earmarked for procurement of paddy during 2019-20 procurement season. During the subject procurement period the society purchased 84164.80 quintals of paddy of which 78623.04 quintals were transported to millers and collection centers and balance quantity of 5541.76 quintals should have remained in the society, but during physical verification no paddy was found in the society and thus the applicant in connivance with other co-accused has committed misappropriation of Rs. 1,38,54,400/-. Thus FIR was lodged after an

enquiry was made under the orders of Collector, Balodabazar-Bhatapara.

3. Learned counsel for the applicant submits that the present applicant has been falsely implicated in this case. He further submits that evidence collected by the prosecution is not sufficient to rope the applicant in this case, charge-sheet has already been filed. There is no apprehension of the applicant absconding or tampering with or influencing the witnesses. The applicant is in jail since 31.07.2021 and trial is likely to take same time for disposal. Therefore, the applicant may be granted bail.
4. On the other hand, learned counsel for the State opposes the bail application and submits that the applicant has as many as four criminal antecedents, he was involved in embezzlement of crores of rupees. The bail application of co-accused person has already been rejected by the Co-ordinate Bench of this Court vide order dated 30.07.2021 in MCRC No. 3791/2021.
5. Considering the facts and circumstance of the case, that as per the order of the Collector an Enquiry Committee was constituted and after the enquiry Committee found that 5541.76 quintals of paddy were not available in the society, for which no explanation was given by the applicant, the fact that bail application of similarly situated of co-accused has already been rejected on merits by the Co-ordinate Bench, the other material collected during investigation, without commenting anything on merits of the case, the bail application of the present applicant is rejected.

Sd/-
Gautam Chourdiya
Judge