

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7728 of 2020**

- Ramakant Patel S/o Nehru Lal Patel, Aged About 47 Years Village Gorra, Police Station Kotra Road Raigarh, Tahsil Raigarh, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through - Station House Officer, Police Station Kotwali Janjgir, District Janjgir - Champa Chhattisgarh

---- Respondent

&**MCRC No. 7778 of 2020**

- Ganga Sagar Panda S/o Panchanan Panda Aged About 36 Years R/o Village House No. 116, Bhikhampura, Thana Sariya, District Raigarh Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Kotwali Janjgir District Janjgir Champa, Chhattisgarh

---- Respondent

&**MCRC No. 8540 of 2020**

- Rajeev Singh Rathore S/o Late Devendra Singh Rathore Aged About 51 Years R/o Sagardeep Enclave, Usalapur, Bilaspur, P. S. Sakri, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Kotwali, Janjgir District Janjgir Champa Chhattisgarh

---- Respondent

For respective Applicants :	Shri Shashank Thakur, Shri Manoj Paranjpe, Shri Sanjay Agrawal and Shri Chitendra Singh, Advocates
For State :	Shri Mateen Siddiqui, Dy.A.G.
For Objector :	Ms. Aditi Singhvi, Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava

CAV Order

26/02/2021

Heard.

Both the bail applications are being disposed off by this common order as they arise out of the same crime number.

1. The applicants have been arrested in connection with Crime No.306/2020 registered at Police Station – Kotwali, Janjgir, District – Janjgir - Champa (C.G.) for alleged commission of offences under Section 408, 409, 418, 420, 120-B of IPC.
2. Prosecution case is that a written complaint was lodged in the police station by one Akhilesh Kumar Singh, Marketing Development Manager of Insecticides (India) Limited alleging that present applicants and other co-accused hatched conspiracy under which dealers and employees, on the basis of fabricated supply orders, got huge quantity of insecticides removed from the go-down of the company. The supply orders allegedly given by the dealers, were only to facilitate removal of goods in huge quantity from the store for being sold in the open market by supplying it to the third party directly on cheaper rates. The cost of material insecticides removed from the go-down is alleged to be approximately Rs.19 crores.
3. Learned counsel appearing for Rajeev Singh Rathore submits that he is the main officer of the company and his role is limited only to ensure that supply orders given by the authorised dealers and suppliers are duly submitted to the head office and

a copy to the store / go-down. Thereafter, if from the go-down, goods have been supplied to different persons, the applicant cannot be made liable. It is submitted that the applicant has always acted in the best interest of the company and the allegations against the present applicant is false and infact, it was this applicant, who had brought the matter to the notice of the higher authority as to the manner in which the company has been put to loss.

Learned counsel for applicant – Ganga Sagar Panda submits that though he is the small employee of the company and if the goods of the go-down has been removed under a conspiracy, this applicant has no role to play because he is neither the person who has prepared supply orders nor the one who has removed goods from the go-down.

Learned counsel for applicant – Ramakant Patel submits that involvement of the present applicant is not made out because the applicant – Ramakant Patel is the Proprietor of M/s. Patel Krishi Kendra and the distributor of various companies including M/s. Insecticides (India) Limited. It is submitted that the present applicant has no dues towards the company as he has made all the payments of all the goods under various supplies.

4. On the other hand, learned State counsel and counsel for objector would submit that all the applicants and other co-accused are involved in a big conspiracy hatched leading to crores of loss to the pesticide company.

5. On *prima facie* consideration, it is found that the applicants who are employees and dealers, are involved on the basis of serious allegations of causing loss of approximate Rs.19 crores to the company and it is the prosecution case that on certain supply orders, said to be given by the dealers and retailers, goods were removed from the go-down and thereafter, these goods were sent to other destinations, where it was sold on much lower rate. The sale consideration was not deposited with the company.

The allegation is that supply orders were obtained from the accused dealers which were never intended to be purchased but only to somehow remove the goods from the go-down and get it sent to the third party for being sold in the open market at cheaper rate. Learned State counsel and counsel for objector draw attention of this Court to the confessional statement of accused – Ganga Sagar Panda, under Section 164 CrPC recorded by the Magistrate which states regarding the manner in which conspiracy was hatched by all the accused. Learned counsel for the objector has also drawn attention of this Court to the letters of accused – Ramakant Patel as also letter written by accused – Ganga Sagar Panda to Ramakant Patel. Therefore, the case of Ramakant Patel is distinguishable from those dealers who have been granted bail.

Considering the material collected during investigation against the present applicants, confessional statement of Ganga Sagar Panda, co-accused and role alleged to be played by Rajeev Singh Rathore and further taking into consideration the amount involved as also sentence which could be awarded for alleged commission of offence and that it is not a case where applicants have remained under pre-trial detention for a long time without conclusion of trial, I am not inclined to grant bail to the applicants. All the applications are, accordingly, rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge