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HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 47 of 2021**

- Bharatlal Sahu S/o Late Shri Sitaram Sahu Aged About 48 Years Village Bardula, Tahsil Sarangarh, District Raigarh, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Sarangarh District Raigarh, Chhattisgarh

---- Respondent**MCRCA No. 1801 of 2020**

- Shiv Kumar Sahu S/o Shri Premlal Sahu Aged About 32 Years Village Bardula, Tahsil Sarangarh, District Raigarh Chhattisgarh.

---- Petitioner**Versus**

- State Of Chhattisgarh Through Police Station Sarangarh, District Raigarh Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Sabyasachi Bhaduri, Advocate.
For Respondent.	:	Mr. G.S. Patel G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09/04/2021**

1. The matter is heard through video conferencing.
2. Since, the aforesaid anticipatory bail applications arise out of the same crime number, they are being heard and decided by this common order.
3. These applications under Section 438 of the Code of Criminal Procedure have been filed by the applicants who are apprehending their arrest in connection with Crime Number 677/2020 registered at Police Station Sarangarh, District Raigarh (C.G.) for the offence punishable under Sections 409,

34 of Indian Penal Code.

4. The prosecution story, in brief, is that the applicant in MCRC No.47/2021 is Vice-President of Sewa Sahkari Samiti Maryadit Ulkhar and the applicant in MCRC No.1801/2020 is Center-in-charge – Procurement (sub Center Bardula) of Sewa Sahkari Samiti Maryadit – Ulkhar (for short 'the Samiti'). The allegation against them is that during the process of procurement of paddy for the year 2019-2020 they committed illegality/irregularities and thereby caused financial loss of Rs.2,99,72,776.72/- to the State exchequer. Based on this, offence has been registered against the present applicants.
5. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. So far as applicant Bharatlal Sahu in MCRC No.47/2021 is concerned, learned counsel submits that he is elected Vice President of the Society having no financial power, therefore, question of embezzlement of fund does not arise. He also submits that the quality of paddy and shortage thereof are being reported after the paddy is taken up by the Samiti, whereas a committee has been formed to check the quality of the paddy, in which the decision has to be taken under the chairmanship of Tahsildar, but in the Committee no such investigation has ever been done.
6. So far as applicant Shiv Kumar Sahu in MCRC No.1801/2020 is concerned, it has been submitted by learned counsel that he is Center-in-charge – Procurement (Sub Center Bardula) of the Samiti having no financial power, therefore, question of

embezzlement of fund does not arise. He also submits that the paddy procurement has been carried out according to the norms and it is the duty of the Mark-Fed to lift the stock within 72 hours in case when the stock crosses the buffer limit prescribed by the District Co-operative Central Bank, which they have failed to do so. Despite the mandate of the policy, the Mark-Fed failed to ensure requisite infrastructure for the storage and up-keep of the paddy in the procurement centers of the Samiti, which expectedly caused the stock to be exposed to the vagaries of nature affecting adversely its quality as well as the quantity.

7. Counsel for the State however opposes the application for anticipatory bail. Learned State counsel submits that documents available on record clearly shows prima-facie case against the applicants.
8. After hearing counsel for the parties and considering the facts and circumstances of the case, and further considering the nature of offence and quality of evidence, without commenting anything on merits of the case, this Court is of the considered opinion that it is a fit case to grant anticipatory bail to the applicants.
9. Accordingly, the applications are allowed. It is directed that in the event of arrest of the applicants in connection with aforesaid crime number, they shall be released on bail on their furnishing a personal bond in the sum of Rs.50,000/- each with one surety for the like sum to the satisfaction of the concerned arresting/investigating officer or the court concerned, as the case may be, with the following terms and

conditions:

- (i) that the applicants shall make themselves available for interrogation/medical examination before the concerned investigating officer as and when required;
- (ii) that the applicants shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act in any manner which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Sd/-

(Rajani Dubey)
Judge

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