

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1035 of 2022**

- Arun Kumar Masih S/o Late Shri Rajababu Masih Aged About 50 Years R/o Village Shantipur Dhuma, Police Station Takhatpur, District - Bilaspur (C.G.)

---- Applicant

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station - Takhatpur, District - Bilaspur (C.G.)

---- Respondent

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 For Applicant : Mr. Awadh Tripathi, Adv.  
 For Respondent/State: Mrs. M. Asha, PL for the State.  
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**Hon'ble Shri Justice N.K. Chandravanshi****Order On Board****30-9-2022.**

1. The applicant has preferred this bail application under Section 438 of the Code of Criminal Procedure, 1973 (for short 'the CrPC') for grant of anticipatory bail, as he apprehends his arrest in connection with Crime No. 176/2022 registered at Police Station Takhatpur, Distt. Bilaspur (CG) for the offence punishable under Sections 420, 34 of the Indian Penal Code.

2. Facts of the case, in brief, are that in Kharif marketing year 2021-22, Seva Sahkari Samiti Maryadit, Nagchui and Paddy Purchase Centre, Nagchui, Tehsil Kota, Distt. Bilaspur, purchased paddy from its member farmers. In that period, the applicant was working as Jute bag (Bardana) supervisor. A report was lodged by the authorized officer of aforesaid society that in the aforesaid period, Dev Kumar Goyal was working as in-charge of purchase centre. The applicant was working as Jute bag (Bardana) Supervisor and Rajiv Lochan was working as data entry operator. It is alleged that in the aforesaid period, in Paddy purchase centre, Nagchui, total 53944 quintle paddy was purchased. In physical verification, it was found that after releasing/delivery of paddy from the Centre, 2470.25 quintal

paddy and 22,386 nos. of jute bags were short. Thus, the applicant and co-accused persons embezzled /misappropriated paddy and jute bags worth Rs. 71,49,710.52 and caused loss to the Government and thereby they committed offence of cheating. Based on written complaint, present FIR under Section 420/34 of the IPC was registered against the applicant and co-accused persons.

3. Learned counsel for the applicant would submit that the applicant is innocent. He has been falsely implicated in this case. It is further submitted that the applicant was not entrusted the duty to purchase paddy in Nagchui purchase centre, rather he is a salesman and he had denied to be posted as in-charge of Jute bag. It is further submitted that the applicant has never received jute bag or whatsoever sent by the State Government nor has maintained record of distribution of jute bag for aforesaid work. Such record has been maintained by co-accused persons. Only in the token which was issued in the name of farmers, signature of applicant was taken. It is further submitted that there is no any material to implicate the applicant in the instant crime. Hence the applicant may be extended benefit of anticipatory bail.

4. Per contra, learned counsel for the State vehemently opposes the submissions made by learned counsel for the applicant. She would submit that in written complaint made by the authorized officer, it has specifically been stated that for subject period, the applicant was working as in-charge of Jute bag in Nagchui purchase centre and on physical verification, 2470.25 quintal paddy was found short. 22,386 nos. Jute bags were also found short and thereby, by the act of cheating, the applicant and other co-accused persons namely Dev Kumar Goyal, in-charge of paddy purchase centre, Nagchui and Rajiv Lochan embazzled / misappropriated huge amount of Rs. 71,49,710/- and caused loss to the government. The matter is under investigation, therefore, he may not be granted anticipatory bail.

5. Considered the submissions and perused the case diary as well as the material available on record.
6. Having considered the facts and circumstances of the case, particularly considering huge amount involved in the instant case of cheating, in the considered opinion of this Court, it is not a fit case for grant of anticipatory bail.
7. Consequently, the instant applicant is dismissed.

**SD/-**  
**(N.K. Chandravanshi)**  
**JUDGE**

pathak/-