

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2275 of 2023

Applicant :- Ramesh Chandra

Opposite Party :- State Of U.P. Thru. Prin. Secy. Deptt. Of
Home Lko.

Counsel for Applicant :- Srees Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Srees Kumar Srivastava, the learned counsel for the applicant as well as Sri Anant Pratap Singh, learned A.G.A. appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No. 45 of 2020, under Section 3/7 of Essential Commodities Act, registered at Police Station Makhi, District Unnao.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged by a Supply Inspector against the applicant on 05.04.2020, stating that in an inspection of the applicant's shop conducted on 03.04.2020, several card holders present at the shop complained about the supply of lesser quantity of ration by the applicant. The F.I.R further states that when the measuring weights in the applicant's shop were inspected, some discrepancy in the weights appeared.

4. In the affidavit filed in support of the anticipatory bail application it has been contended that the applicant is innocent and he has no criminal history.

5. Copies of statements of several card holders recorded by the

Investigating Officer have been annexed with the affidavit filed in support of the anticipatory bail application. Three card holders have complained that after they took the ration to their home, it weighed less than the purchased quantity. However 17 persons have given statements favoring the applicant.

6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case, what prima facie appears is that the applicant has been implicated on the basis of complaint of some persons while numerous persons have stated that they have no complaint against the applicant; that although the F.I.R alleges that upon inspection some discrepancy appeared in measuring weights, the basis of ascertainment of the discrepancy has not been disclosed in the F.I.R; that the applicant has no criminal history and the offence alleges is punishable with a maximum punishment of imprisonment upto seven years and keeping in view the fact that and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicant.

8. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of applicant- **Ramesh Chandra** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each

date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness;

9. In default of any of the conditions mentioned above or it is found that applicant has obtained this order concealing any material facts, the Investigating Officer shall be at liberty to file appropriate application for vacation of this order.

(Subhash Vidyarthi, J.)

Order Date :- 18.10.2023

Preeti.