

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.CR.C.(A). No. 1203 of 2015**

1. Smt. Maya Singh, W/o. Paras Singh Armo, aged about 25 years, R/o. Village- Lohari, Police Station Marwahi, District – Bilaspur (C.G.)

**----Applicant**

**Versus**

1. State Of Chhattisgarh, Through : the Police Station - Marwahi, District – Bilaspur (C.G.)

**---- Respondent**

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For Applicant : Mr. Rakesh Pandey, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate

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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**04/12/2015**

1. Apprehending arrest in connection with Crime No.181/2015 registered at Police Station- Marwahi, District – Bilaspur (C.G.), for offence punishable under Section 420, 406, 407 read with Section 34 of Indian Penal Code, the applicant has preferred this application for grant of anticipatory bail.
2. As per the prosecution case, in fair price shop of Gram Panchayat, Lohari, a inspection was made by the Food Inspector and it was found that 55.52 quintals of rice, 17.95 quintals of wheat, 17.14 quintals of sugar, 27.41 quintals of gram, 22.52 quintals of salt and 5295 liter of kerosene oil should have been remained but on physical examination it was found that out of that stock 49.02 quintals of rice, 17.45 quintals of wheat, 16.24 quintals of sugar and 27.41 quintals of gram and 22.52 quintals of salt and 4695 liters of kerosene oil was not being tallied, thereby the defalcation of Rs.3,31,928/- was found. Consequently, enquiry was made and on

enquiry the offence was said to be committed by the applicant and other co-accused.

3. Learned counsel for the applicant would submit that the applicant was elected as Sarpanch in the month of February, 2015 and thereafter, the charges of fair price shop was handed over to Dev Singh on 09.03.2015, which was followed by the resolution dated 14.04.2015. He would further submit that initially an enquiry was made and on enquiry, three persons were found guilty namely Dev Singh, T.R. Tondey and Sachin Jain, wherein against the applicant, no allegations were made. He would further submit that subsequently again the applicant made a complaint to the Superintendent of Police as she was subjected to blackmailing by the Food Inspector and on such complaint again an enquiry was conducted and in second enquiry, name of the applicant was implicated, therefore, in the circumstances, the role of the applicant was as whistle blower. Therefore, the counsel prays that the applicant may be extended the benefit of anticipatory bail.
4. Per contra, the learned State counsel opposes the bail and would submit that as per the enquiry made, the allegation against the applicant was found to be proved, therefore, she may not be enlarged on bail.
5. I have perused the case diary and the documents. The case diary also contains initial report conducted by the Food Inspector, which is also filed by the applicant, wherein it is stated that initially it was found that other persons are responsible for non-distribution, therefore, taking into the fact and the documents of case diary and the further taking into the fact that the applicant is a lady, this Court is inclined to extend the benefit of anticipatory bail to the applicant.

6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, she shall be released on bail by the officer arresting her on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :

- (i) that the applicant shall make herself available for interrogation before the investigating officer as and when required;
- (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/her from disclosing such facts to the Court or to any police officer;
- (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicant shall appear before the trial Court on each and every date given to her by the said Court till disposal of the trial.

Certified copy as per rules.

**Sd/-**  
**(Goutam Bhaduri)**  
Judge