

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4772 OF 2015**

1. Smt. Pati Bai Sori W/o Shri Gudram Sori aged about 45 years Caste Muriya Resident of village Bandhapara Sonabel, P.S. Kondagaon, Revenue and Civil District Kondagaon (Chhattisgarh)
2. Kalichandra Jha S/o Late Shri Rajkant Jha aged about 46 years R/o village Baniyagaon, P.S. Kondagaon, Revenue and Civil District Kondagaon (Chhattisgarh)

---Applicants**Versus**

State of Chhattisgarh through Police Station Kondagaon (Chhattisgarh)

---Non-applicant

For Applicants	:	Mr. Avinash K. Mishra, Advocate
For Non-applicant	:	Mr. Neeraj Kumar Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****14/09/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicants who have been arrested in connection with Crime No. 201/15, registered at Police Station Kondagaon, District Kondagaon (Chhattisgarh), for the offence punishable under Sections 3, 7 Essential Commodity Act, 1955.

2. Case of the prosecution, in brief, is that, present applicants while holding the post of Sarpanch and Secretary of Gram Panchayat Sonabel did not properly supervise the Government Fair Price Shop under PDS, pursuant to which, co-accused persons sold 2427 liters kerosene oil to the open

market and thereby committed aforesaid offence.

3. Learned counsel for the applicants would submit that applicants have not committed any offence and actual misappropriation was committed by Raghuram Sethiya and Anil Sori, who were Salesmen. He would further submit that present applicants have been falsely implicated merely because supervisory authority in capacity of their post of Sarpanch and Secretary and they are not directly responsible. He would lastly submit that charge sheet has been filed and applicants are in jail since 13/08/2015, therefore, they may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicants in offence in question; charge sheet has already been filed and pretrial detention of the applicants, this Court is of the opinion that present is the fit case, in which, applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Code of Criminal Procedure is allowed.

8. It is directed that applicants, namely, Smt. Pati Bai Sori and Kalichandra Jha, shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the

satisfaction of the concerned trial Court for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

Tiwari