

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5618 of 2015**

Rajkumar, S/o. Ramjeet, Aged about 27 years, Caste Gond, R/o. Village Bonga, Police Station Ramkola, Tahsil Pratappur, District Surajpur (C.G.).

**---- Applicant**

**Versus**

State of Chhattisgarh, Through: Station House Officer, Police Station Ramkola, District Surajpur (C.G.).

**---- Respondent**

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For Applicant : Ms. Neha Verma, Advocate

For Respondent : Mr. R.K.Gupta, Dy. A.G.  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order On Board**

**26/10/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.15/2015 registered at Police Station- Ramkola, District Surajpur (C.G.) for the offence punishable under Section 409, 420 read-with Section 34 of IPC and Section 3 & 7 of the Essential Commodities Act.
2. Case of the prosecution is that in the month of January, 2015 some food grains were issued in name of Govt. Fair Price Shop Bonga but the said food grains were not given to the beneficiaries instead it was misappropriated by the applicant who was the salesman in the society and therefore on investigation the FIR was registered.
3. Learned counsel for the applicant submits that the charge sheet has been filed in this case and the investigation has been made and the applicant is in jail since 20.07.2015. It is further submitted

that at the time of alleged incident, the applicant is not in charge, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having considered the facts of this case and taking into account that the charge sheet has been filed and the offence is triable by the JMFC, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the concerned trial Court. He is directed to appear before the trial court on each and every date given by the said Court.
9. Certified copy as per rules.

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