

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2526 of 2016

1. Devraj Yadav, S/o. Mandhar, aged about 42 years, R/o. Village & Post Offie- Behrakhar, Police Station – Narayanpur, Tahsil – Kunkuri, District- Jashpur (C.G.), PIN- 496225.

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Narayanpur, District – Jashpur (Chhattisgarh)

---- Respondent

For Applicant : Ms. Indira Tripathi, Advocate

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

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

27/06/2016

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 applicant who has been arrested in connection with Crime No.8/2016, registered at Police Station – Narayanpur, District – Jashpur (C.G.) for the offence punishable under Section 3 & 7 of the Essential Commodities Act, 1955 and Section 409, 120-B, 34 of the Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the 53 villagers that they have not been given rice according to their entitlement. Thereafter an enquiry was conducted and it was found that the applicant along-with other co-accused have distributed the rice to the different card holders and after enquiry the offence was found to be committed.

3. Learned counsel for the applicant submits that according to the FIR itself, the applicant has been falsely implicated in this case as the entire running of shop was being carried out by the Hukumchand and the applicant is only Upsarpanch. It is further submitted that the rice was also seized from the shop which goes to show that because of defective ration card, the rice was not distributed. It is also submitted that the applicant is in jail since 05.04.2016, therefore, the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the documents and the case diary. Considering the facts and circumstances of the case, taking into the nature of allegation and the degree of offence and further taking into the fact that charge-sheet in this case has been filed and the applicant is in jail since 05.04.2016, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge