

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7504 of 2015

Rohit Sinha, S/o. Lachhiram Sinha, Aged About 54 Years, R/o. Village Atargaon, P.S. & Tahsil Ambagarh Chowki, Distt. Rajnandgaon, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station Ambagarh Chowki, Distt. Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.D.Guru, Advocate

For Respondent : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

12.01.2016

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.278/2015, registered at Police Station– Ambagarh Chowki, Rajnandgaon (C.G.) for the offence punishable under Section 3 & 7 of the Essential Commodities Act.
2. Case of the prosecution, in brief, is that the applicant who was a Salesman in the Fair Price Shop even after death of one Vishwasha Bai distributed her share of food grains to other persons for last 23 months and did not inform the authorities for the death of the beneficiary who died on 23.06.2013. Consequently, total 20.69 Quintal Rice and 2.27 Quintal Sugar was misappropriated which amounting to Rs.51,725/- and 6,356/- respectively.

3. Learned counsel for the applicant submits that the applicant cannot identify the beneficiary and who so ever produces the Rasan Card the food grains were supplied and the beneficiary himself made such interpolation in the Rasan Card and on the basis of that the applicant has to deliver the goods, 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. Perused the case diary and the statement. After perusal of the case diary and statement and taking into the degree of allegations and the role played by this applicant and considering the fact that the evidences are documentary in nature, I am inclined to release the applicant on 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