

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4829 of 2016

- Dharam Sai S/o Ronha Aged About 50 Years Caste Nagwanshi, Occupation Sarpanch, R/o Behrakhar, Police Station Narayanpur, District Jashpur, Chhattisgarh. ---
Applicant

Versus

- State of Chhattisgarh Through Station House Office, Police Station Narayanpur, District Jashpur, Chhattisgarh. ---
Respondent

For the applicant	:	Mrs. Pritha Ghoshal Advocate
For the Respondent	:	Mr. Anupam Dubey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.08.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 8 of 2016 registered at P.S. Narayanpur, Distt. Jashpur (C.G) for the offence punishable under Sections 409, 120-B, 201, 34 IPC and Section 3/7 of the Essential Commodities Act.
2. As per the prosecution case, a report was made by 53 villagers that they were not 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 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 as the entire management of shop was being carried out by Hukumchand and the applicant Dharam Sai is merely

Sarpanch of village. It is further submitted that the rice was also seized from the shop which goes to show that because of defective ration cards, the rice was not distributed. He further submits that similarly placed co-accused Devraj Yadav has been enlarged on bail by this Court in M.Cr.C.No.2526 of 2016 vide order dated 27.6.2016, therefore, the present applicant may also be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail. However, he do not dispute the fact that accused Devraj against whom similar allegations were levelled has been released on bail by this Court.
5. I have heard learned counsel for the parties and have also perused the case diary documents.
6. Considering the nature of allegations as also the fact that the charge sheet in this case has been filed and the applicant is in jail since 20.07.2016 and further considering the fact that similarly placed co-accused has been enlarged on bail by this Court, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE