

HIGH COURT OF CHHATTISGARH, BILASPUR

**MCRC No. 2255 of 2016**

- Dev Singh S/O Kripal Singh Aged About 26 Years Caste - Gond, R/O Lohari, Police Station - Marwahi, Tahsil - Marwahi, District - Bilaspur Chhattisgarh

---- Applicant

**Versus**

- State Of Chhattisgarh Through The Station House Officer Police Station - Marwahi, District - Bilaspur Chhattisgarh

---- Respondent

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For Applicant : Mr. Goutam Khetrapal, Advocate

For Respondent/State : Mr. Satish Gupta, Govt. Advocate  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**01-07-2016**

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 on 21-12-2015 in connection with Crime No. 181 of 2015, registered at Police Station Marwahi, District Bilaspur (CG) for the offence punishable under Sections 420, 406, 407, 34 of IPC and Sections 3 & 7 of the Essential Commodities Act.
2. As per prosecution case, the applicant was a salesman of the fair price shop of Gram Panchayat, Lohari in which inspection was made by the Food Inspector and it was found that 55.52 quintals of rice, 17.95 quintals of wheat, 17.14 quintals of sugar, 27.41 quintals of gram, 22.52 quintals of salt and 5295 liters of kerosene oil should have been remained but on physical examination it was found that out of that stock 49.02 quintals of rice, 17.45 quintals of wheat, 16.24 quintals of sugar and 27.41 quintals of gram and 22.52 quintals of salt and 4695 liters of kerosene oil were not being tallied, thereby the defalcation of Rs.3,31,928/- was found.

Consequently, enquiry was made and on enquiry the offence was said to be committed by the applicant and other co-accused.

3. Learned counsel appearing for the applicant submits that the applicant has been falsely implicated in the case and no further investigation is necessary, charge-sheet has been filed in this case. He would further submit that the applicant is in jail since 21-12-2015 and similarly placed co-accused has already been granted anticipatory bail vide order dated 04-12-2015 passed by this Court in M.Cr.C. (A) No 1203 of 2015, therefore, the applicant may be released on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration the facts and circumstances of the case, degree of offence and nature of allegation leveled against the applicant, charge-sheet has been filed in this case, the applicant is in jail since 21-12-2015 and further considering the fact that similarly placed co-accused has already been granted anticipatory bail by this Court, 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 and it is directed that the 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.

Certified copy as per rules.

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

Raju

