

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 7695 of 2015

1. Smt. Kaushilya, W/o. Jageshwar, aged about 50 years, Caste by Chamar,
2. Smt. Belasi, W/o. Ramgopal, aged about 45 years, Caste by Chamar,
Both are R/o. Shiv Prasad Nagar Police Chauki Basdeyee Tahsil Bhaiyathan, Revenue and Civil District – Surajpur (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : S.H.O., Police Chauki– Basdeyee, P.S. and District -Surajpur (C.G.)

---- Respondent

For Applicants	: Mr. Jagdish Singh Baraik, Advocate
For Respondent/State	: Mr. Sangharsh Pandey, Dy.Govt.Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

18/01/2016

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 applicants who have been arrested in connection with Crime No.336/2015, registered at Police Station – Surajpur, Police Chauki- Basdeyee, District – Surajpur (C.G.) for the offence punishable under Section 409/34 of I.P.C. read with Section 3 (7) of Essential Commodity Act.
2. Case of the prosecution, in brief, is that the applicants, who were the President and Secretary of Mahamaya Swa Sahayata Samooh have embazelled 49.31 quintals of rice, 4.7 quintals of grams, 6.9 quintals of sugar and 8.91 quintals of wheat total amounting to Rs.1,70,242.00.
3. Learned counsel for the applicants would submit that the applicants have been falsely implicated in this case. He would further submit that presently, the applicants are in-charge of the society and earlier the in-charge of the society were Shanti Bai and Anusuiya Bai and the

Collector has directed for registration of FIR against them and the embazement is of the year 2014 and the applicants were not in-charge and instead of registration of FIR against Shanti Bai and Anusiya Bai, these applicants, the present in-charge have been inculpated. He would further submit that the applicants are in jail since 19.11.2015, therefore, the counsel prays that the applicants may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application and would submit that the applicants have embazelled the said goods and therefore, they may not be released on bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perused the case diary. Charge-sheet in this case has been filed. Perusal of the charge-sheet shows that the evidence are of documentary in nature. Considering the allegation and the fact that the charge-sheet in this case has been filed and taking into the fact that the applicants are in jail since 19.11.2015, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge