

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7768 of 2015

1. Bichchhuraam Koma, S/o. Kshatriyaram Koma, Aged About 48 Years, R/o. Village - Pangri, Thana & Tahsil - Ambagarh Chauki, Revenue & Civil District Rajnandgaon (Chhattisgarh).
2. Keshavram Nishad, S/o. Kriparam Nishad, Aged About 44 Years, R/o. Village- Manchadur, Thana/Tahsil- Ambagarh Chauki, Revenue/ Civil District - Rajnandgaon (Chhattisgarh).

---- Applicants

Versus

State Of Chhattisgarh, Through - Police Station Ambagarh Chauki,
District - Rajnandgaon (Chhattisgarh)

---- Respondent

For Applicants : Mr. Samir Singh, Advocate

For Respondent : Mr. Ramakant Mishra, Dy. A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.01.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.278/2015, registered at Police Station- Ambagarh Chowki, Rajnandgaon (C.G.) for the offence punishable under Section 420, 468, 471/34 of IPC and Section 3, 7 of Essential Commodities Act.
2. Case of the prosecution, in brief, is that the applicant No.1 Bichchhuraam was Ex-Sarpanch and the applicant No.2 Keshavram was the Secretary of Gram Panchayat Pangri. According to the case of prosecution, the applicants alongwith other co-accused namely Rohit Sinha, Salesman of Fair Price Shop, even after death of Vishwasha Bai distributed her share of food grains to other persons for last 23 months and did not inform the authorities of the death of the beneficiary who died on 23.06.2013. Consequently, total 20.69 Quintal Rice and 2.27 Quintal Sugar was

misappropriated value of which was Rs.51,725/- and 6,356/- respectively.

3. Learned counsel for the applicants submits that the applicants could not identify the beneficiary and who so ever produces the Rasan Card the food grains were supplied. He further submits that the interpolation in the Rasan Card was made by the beneficiary and these persons are not the beneficiary. He further submits that the other similarly placed co-accused has been enlarged on bail by this Court on 12.01.2016 in M.Cr.C. No.7504/2015; therefore, the present may also be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail, however, after verification, he do not dispute the fact that the other co-accused has been enlarged on 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 applicants and considering the fact that the other similarly placed co-accused has been enlarged on bail, 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 applicants shall be released on bail on 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

