

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C.(A) No. 882 /2016

Shivshanker Gupta @ Chintu, S/o. Ramkishore Gupta, Aged About 21 Years, R/o. Village Odgi Naka, Police Station & Tahsil Baikunthpur, District Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Of Police Station - Baikunthpur, District - Korea, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate.

For Respondent : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/09/2016

1. Apprehending arrest in connection with Crime No.227/2014 registered at Police Station- Baikunthpur, District Korea (C.G.) for the offence punishable under Section 3, 7 of Essential Commodities Act, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, 42 bags of salt reserved for Public Distribution System was found stored in the garage of co-accused Pradeep Vishwakarma and the said salt was brought to the garage of Pradeep Vishwakarma by the aid and assistance of Ganesh Kumar Gupta and the present applicant as the present applicant unloaded the salt.
3. Learned counsel for the applicant would submit that the similarly placed co-accused Ganesh Kumar Gupta has been enlarged on anticipatory bail by the co-ordinate Bench of this Court on 08.01.2015 in M.Cr.C.(A) No.1156 of 2014 and the case of the present applicant is similar to that case, therefore, the present applicant may also be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail, however, he do not able to dispute the fact that the similarly placed co-accused has been enlarged on anticipatory bail.
5. Perused the case diary and the documents as also the order dated 08.01.2015 passed in M.CR.C.(A) No.1156 of 2014. Considering the nature of offence and the facts and circumstances of the case and further considering the fact that the similarly placed co-accused Ganesh Kumar Gupta has been enlarged on anticipatory bail by the co-ordinate Bench, I am inclined to release the applicant on anticipatory bail.
6. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on furnishing a personal bond to a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

