

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.(A) No. 1045 of 2016

1. Ram Singh Verma S/o Shri Tanuram Aged About 48 Years R/o Village Rampura, Police Station Nandghat, Tehsil Nawagarh, Civil And Revenue District Bemetara Chhattisgarh

2. Rohit Patkar S/o Sadheram Patkar Aged About 52 Years R/o Village Patnakampa, Police Station Nandghat, Tehsil Nawagarh, Civil & Revenue District Bemetara Chhattisgarh

---- Applicants

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Nandghat, District Bemetara Chhattisgarh

---- Respondent

For applicants – Shri R.K. Pali, Advocate.
For Respondent/State – Ms. Sunita Jain, PL.

Hon'ble Shri Justice Goutam Bhaduri

Order

2/12/2016

1. At the very outset, learned counsel for the applicants submits that the bail application in respect of applicant No.1 **Ram Singh Verma** has become infructuous.

2. Accordingly, bail application in respect of applicant No.1 **Ram Singh Verma** is dismissed as having become infructuous.

3. This application under Section 438 of Cr.P.C. has been filed by the applicant No.2 Rohit Patkar apprehending his arrest in connection with Crime No. 369/2016 registered at Police Station Nandghat, District Bemetara (C.G.) for offence punishable under Sections 3, 7 of Essential Commodities Act.

4. As per the prosecution case, a report was made that the applicant

alongwith other co-accused has misappropriated the rice meant for Public Distribution System (PDS). The other co-accused while was intercepted 5 bags of rice were found. Subsequently, 4 bags of rice were recovered from the house of the applicant which was under construction.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that there is no evidence against the applicant and the rice even if as kept it was open, that house was being constructed, since the house belong to the applicant, he has been inculpated being the owner and there is no evidence that the applicant was involved in the crime, therefore the applicant may be granted benefit of anticipatory bail.

6. Learned State counsel opposes the prayer for grant of anticipatory bail.

7. Perused the case diary. Case diary shows that from the isolated house which was under construction recovery of 4 bags of rice were made. Taking into such entry of the case diary and the documents, I am inclined to extend benefit of anticipatory bail to **applicant No.2 Rohit Patkar**.

8. Accordingly, the anticipatory bail application in respect of **applicant No.2 Rohit Patkar** is allowed and it is directed that in the event of arrest of the **applicant No.2 Rohit Patkar** in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant No.2 shall also abide by the following conditions:-

(i) that the applicant No.2 shall make himself available for interrogation

before the investigating officer as and when required;

(ii) that the applicant No.2 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 No.2 shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iv) the applicant No.2 shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Goutam Bhaduri)

JUDGE