

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4187 of 2017

- Parmeshwar S/o Subhash Chandra Yadav, Aged About 40 Years R/o Village Pondi (Rajauli), Police Station & Tehsil Sonhat, District Koriya, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O., Police Station Sonhat, District Koriya, Chhattisgarh.

---- Respondent

And

MCRCA No. 111 Of 2017

- Krishna Kumar S/o Sonsay, Aged About 33 Years Sarpanch, Gram Panchayat Latma, R/o Village Badwar, Police Station And Tahsil Sonhat, District Korea Chhattisgarh

---- Applicant

Vs

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

---- Respondent

And

MCRC No. 4309 Of 2017

- Omprakash S/o Gopichandra Aged About 40 Years (Wrongly Mentioned As Gopichand) R/o Village Badwar, Police Station And Tahsil Sonhat, District Korea Chhattisgarh

---- Applicant

Vs

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

---- Respondent

And

MCRC No. 6108 Of 2017

- Parmeshwar S/o Subhash Chandra Yadav, Aged About 40 Years R/o Village Pondi (Rajauli) Police Station & Tehsil Sonhat, District Koriya, Chhattisgarh.

---- Applicant

Vs

- State Of Chhattisgarh Through S.H.O. Police Station Sonhat, District Koriya, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Pushkar Sinha, Mr. Anil Gulati & Mr. Sunil Sahu, Advocates.
For Respondent	:	Mr. O.P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/12/2017

1. Since the above bail applications are similar in nature and arise out of the same chain of incidents, they are being heard and decided together by this common order.
2. Applicant Krishna Kumar has filed M.Cr.C(A) No.111/2017 seeking anticipatory bail as he apprehends his arrest in connection with Crime No.134/2016 registered at PS-Sonhat for the offence punishable under Sections 420 & 409 of Indian Penal Code (for short 'IPC') and Sections 3 & 7 of Essential Commodities Act.
3. Applicant Paremshwar in M.Cr.C. No.4187/2017 and applicant - Omprakash in M.Cr.C. No.4309/2017 are in custody. This is their first bail application under Section 439 of the Code of Criminal Procedure, for grant of regular bail as they have been arrested in connection with Crime Nos.133/16 registered at Police Station- Sonhat, District –

Koriya(C.G.) for the offence punishable under Sections 409, 34 of Indian Penal Code (for short 'IPC') and Section 3 & 7 of Essential Commodities Act.

4. Applicant Paremshwar has also filed M.Cr.C. No.6108/2017 seeking regular bail as he has also been arrested in connection with Crime No.133/16 registered at PS-Sonhat for the offence punishable under Sections 420 & 409 of Indian Penal Code (for short 'IPC') and Sections 3 & 7 of Essential Commodities Act.
5. Learned counsel for the applicants submits that applicants are innocent and have falsely implicated in this case. As alleged that applicants have defalcated the ration supplied for the month of April to September, 2015 through fake ration cards which is totally a false statement. There is no evidence in the material of the prosecution to make out a case against the applicants. Hence, it is prayed that applicant Krishna Kumar be granted anticipatory bail and remaining applicants be granted regular bail.
6. Learned counsel for the respondent/State opposes the applications and submissions made in this respect. It is submitted that on conducting raid by the Food Department in Fair Price Shops of Gram Panchayat Latma and Sunderpur, it was found that the distribution of ration articles from that shops were made in excess to the beneficiaries registered for the said Fair Price Shops. On verification of the records of Fair Price Shops, it was found that 105 fake ration cards, prepared by impersonating the original card holders, were used in the Fair Price Shop, Latma to distribute the ration items. Likewise, on inspecting the records of Fair Price Shop, Sunderpur, it was found that 101 fake ration cards were used to show distribution and thereby

misappropriated the ration and food articles from the said shop. In this way, misappropriation of approximately Rs.10 lakhs has been done from each Fair Price Shop. In these circumstances, the applicants are not entitled for either anticipatory or regular bail.

7. Heard both the parties and perused the case diary.
8. Facts of the case are as discussed above, applicant Parmeshwar is the Secretary of Gram Panchayat, applicant Krishna Kumar is Sarpanch of Gram Panchayat and applicant Om Prakash is the Salesman of Fair Price Shop, Latma. Their involvement in the offence as alleged is yet to be proved before the trial Court. Applicant Parmeshwar & Om Prakash are in jail since 12.5.2017. All the applicants are local residents of District-Koriya and the trial of the case is likely to take some time for its disposal. In this situation, no useful purpose would be served by keeping the applicants in jail till the conclusion of trial, hence, it is a fit case for grant of bail.
9. Accordingly, the bail applications i.e. M.Cr.C. Nos.4187/17, 4309/17 & 6108/17 filed on behalf of applicants Parmeshwar & Omprakash respectively under Section 439 of Cr.P.C. are allowed. It is directed that they be released on bail on their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
10. Bail application filed on behalf of applicant Krishna Kumar i.e. M.Cr.C. (A) No.111/2017, is also allowed. 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 his 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 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge