

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4366 of 2017

Safiya Toppo, W/o. Jaiprakash Toppo, Aged About 44 Years, Caste -Uraon,
R/o Village Dhuriamba, Tahsil -Duldula, Police Station -Tapkara, District
Jashpur, Chhattisgarh.

----Applicant

Versus

The State Of Chhattisgarh Through S.H.O., Police Station -Tapkara, District
Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. A.K. Prasad, Advocate
For Respondent/State	: Mr. O.P. Sahu, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

23/10/2017

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 applicant, who has been arrested on 23.05.2017, in connection with Crime No.50/2015, registered at Police Station – Tapkara, District – Jashpur (C.G.) for the offence punishable under Section 409, 420 of Indian Penal Code and Section 3/7 of Essential Commodities Act.
2. It is submitted by the learned counsel for the applicant that the applicant is in jail since 23.05.2017 and the charge-sheet has been filed in this case. It is further submitted that the applicant is Sarpanch of Gram Panchayat Godamba and responsibility was given to Gram Panchayat for running fair price shop, consequent to

that Secretary and Salesman appointed by the Panchayat were running the shop and distributing the articles of food. As alleged that lesser quantity of rice was released to the beneficiaries causing defalcation about 70 quintals of rice amounting to value at Rs.1,75,750/-, for this applicant cannot be held responsible as she had only the authority to supervise the running of said shop, offence has been actually committed by the co-accused persons for which the applicant is not responsible, hence, she may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that running of fair price shop and commission of offence as alleged could not have taken place without the consent of the applicant, hence she is equally responsible for the offence committed and for this reason, she is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Considering the facts and circumstances, amount defalcated and further considering the fact that no purpose would be served if the applicant is continuously kept in detention. Taking into such facts, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

7. It is directed that applicant shall be released on bail on her 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 her appearance as and when directed.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram