NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C.(A). No. 558 of 2017

Sameer Khan, S/o. Abdul Saleem, aged about 36 years, R/o. Nayi Basti, Noorani Chowk, Rajatalab, P.S. - Civil Lines, Tahsil, Civil and Revenue District – Raipur (C.G.)

----Applicant

Versus

State of Chhattisgarh, Through : the Station House Officer, Police Station – Telibandha, Civil & Revenue District – Raipur (C.G.)

---- Respondent

For Applicant : Mr. Adil Minhaj, Advocate

For Respondent/State : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

26/10/2017

1. Apprehending arrest in connection with Crime No.183/2017 registered at Police Station- Telibandha, Raipur, District – Raipur (C.G.), for offence punishable under Section 420, 406, 34 of the Indian Penal Code and Section 3/7 of Essential Commodities Act, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by the learned counsel for the applicant, that the applicant is a salesman of fair price shop of Ward No.46, Raipur. On receiving complaint from various ration card holders, a team of Food Inspectors inspected the fair price shop run by the applicant on 23.12.2016. The shop was found closed, which was broke open and on verification, stock of rice, sugar, iodized salt, kerosene etc. 109 numbers of ration card and some cash were seized. It was also found on verification that distribution of food articles were entered in

to the ration card found in the shop but the same was not distributed to the card holders. A memo was sent to Police Station – Telibandha on the basis of which FIR has been lodged against the applicant.

3. It is submitted by the counsel for the applicant that he is running the fair price shop since last 16 years and nobody has ever complained against him. One local corporator made some illegal demand from the applicant, which he could not fulfill because of which he has been falsely implicated. Applicant is in possession of account for each and every entries made and the stock found in the shop. The verification has been done from the website, in which the distribution done daily is uploaded. This uploading process can not be done in uniform manner because of improper functioning of the Internet service. Applicant is local resident and shall be available for investigation and for trial, hence prayed that he may be benefited with grant of anticipatory bail.

4. Per contra learned State counsel opposes the application for grant of bail and the submission made in this respect.

5. I have heard the learned counsel for the parties and perused the case diary and the documents.

6. A uniform statement of number of witnesses have been shown to be recorded. These statements were typed, written and simply signed by the witnesses, which is being relied upon by the investigation officer. Considering the facts and circumstances of the case and the investigation conducted so far, this Court is inclined to extend the benefit of anticipatory bail to the applicant.

7. 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 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

Balram