

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4827 of 2017

- Shesh Narayan Dubey S/o Late Gokul Prasad Dubey Aged About 48 Years R/o Village Sivani, Police Station Marwahi, District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Marwahi, District Bilaspur Chhattisgarh.

---- Non-applicant

For Applicant : Shri Ashok Soni, Advocate.

For Non-applicant : Shri Anil S. Pandey, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board

03.11.2017

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the charge-sheet provided by the learned counsel for the State in connection with crime No. 90/2017 registered at Police Station – Marwahi, District – Bilaspur (C.G.) for the offence punishable under Section 420 of the Indian Penal Code and Sections 3 & 7 of the Essential Commodities Act, 1955.
3. Case of the prosecution, in brief, is that on the complaint of the villagers of Sivani, a joint team inspected the Fair Price Shop at

village – Sivani and found that the seller of said shop Amit Kumar Keshari had received the grains and other articles for 53 Ration Card holders who were dead. The food inspector given an application to the Police Station Marhwahi that the report should be lodged against the said seller. The FIR was lodged against the said seller and the present applicant Shesh Narayan Dubey who is the manager of the Adim Jati Sahkari Samiti Limited Sivani. The worth of said articles is Rs. 86,646-00. Subsequently, it has been found that the seized food grains have been given to the Sarpanch of the village Sivani on Supurdnama and the present applicant separated 12 bags gram and kept it in the house of one Jamuna Prasad, which has been seized.

4. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in the case, therefore, he may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Looking to these circumstances and other facts of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, applicant is in custody since 28.06.2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.

7. Consequently, the bail application is allowed.

8. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.20,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he

will appear before the Trial Court at 11:00 am as and when directed till trial and will cooperate during the trial, he shall be released on bail.

9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

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