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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 672 of 2017**

1. Preetam Runje S/o Raj Kumar Runje, Aged About 21 Years Caste Mahara, Occupation Salesman, R/o Village, Post And Chowki Chintalnar, Police Station Jagargunda, Tahsil Konta, District Sukma Chhattisgarh.
2. Santosh Jaiswal S/o Bechan Prasad Jaiswal Aged About 42 Years Caste Baniya, Occupation Lamps Manager, R/o Village, Post And Chowki Chintalnar, Police Station Jagargunda, Tahsil Konta, District Sukma Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Jagargunda, District Sukma Chhattisgarh.

---- Respondent**M.Cr.C.(A) No. 678 of 2017**

Santosh Jaiswal S/o Bechan Prasad Jaiswal, Aged About 42 Years R/o Occupation Lamps Manager, R/o Village Post And Chowki Chintalnar, P. S. Jagargunda, Tahsil Konta District Sukma Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Jagargunda, District Sukma Chhattisgarh.

---- Respondent**M.Cr.C.(A) No. 683 of 2017**

Santosh Jaiswal S/o Bechan Prasad Jaiswal, Aged About 42 Years R/o Occupation Lamps Manager, R/o Village Post And Chowki Chintalnar, P. S. Jagargunda, Tahsil Konta District Sukma Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Jagargunda, District Sukma Chhattisgarh.

---- Respondent**M.Cr.C.(A) No. 686 of 2017**

Anand Nagul S/o Late Ramana Nagul, Aged About 45 Years Occupation Galla Business, R/o Village Post & Chowki Chintalnar, P. S. Jagargunda, Tahsil Konta, District Sukma Chhattisgarh,

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station Jagargunda, District Sukma Chhattisgarh.

---- Respondent

For the Applicants : Shri Praveen Dhurandhar, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

ORDER

16.11.2017

1. All these applications are being decided by this common order as they arise from the similar incident. These are the first bail applications under Section 438 of Cr.P.C. filed by the applicants for grant of anticipatory bail, who are apprehending arrest in connection with Crime Nos. 17 of 2016, 18 of 2016, 19 of 2016 and 14 of 2016 registered at Police Station – Jagardgunda, District – Sukma, Chhattisgarh for the offence punishable under Sections 3 & 7 of the Essential Commodities Act.

2. It is submitted by counsel for the applicants that the applicants have been falsely implicated in these cases by order dated 21.5.2016. The proceedings have been drawn against the applicants by Sub-Divisional Officer (Revenue), Konta, District Sukma and they have been penalized on account of the shortage found in the stock and also the amount has been released for the commodity that was found short in the fair price shop run by the applicants in these cases. Hence, it is prayed that on account of the penal proceedings drawn against the applicants, the present criminal proceedings are uncalled for. Hence, it is prayed that the applicants be benefited with grant of anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicants in all the cases had been engaged under Sections 3 and 7 of the Essential Commodities Act for misappropriating the commodity entrusted to them for distribution to the beneficiaries for sale and for the beneficiaries of fair price shops. Hence, the offence is made out and there is no case for grant of anticipatory bail.

4. Heard counsel for both the parties and perused the case diary.

5. As per the facts of the case in M.Cr.C.(A) No. 672 of 2017, on inspection of the fair price shop situated in Gond Palli, Sukma shortage of 11.20 quintal of rice, 3.10 quintal of sugar and 0.05 quintal of gram was found, in M.Cr.C.(A) No. 678 of 2017, on inspection of the fair price shop situated in Jharguda, Sukma shortage of 18.14 quintal of rice, 5.97 quintal of sugar and 3.05 quintal of gram was found, in M.Cr.C.(A) No. 683 of 2017, on inspection of the fair price shop situated in Surpanguda, Sukma shortage of 0.45 quintal of rice, 0.20 quintal of sugar and 1.15 quintal of gram was found and in M.Cr.C.(A) No.686 of 2017, on inspection of the fair price shop situated in Kunded, Sukma shortage of 0.42 quintal of rice, 18.94 quintal of sugar and 0.17 quintal of gram was found. Alleging that the commodities which were found short have been black-marketed, offence has been registered against them.

6. In all these cases, the Sub-Divisional Officer, Revenue, Konta, District Sukma has drawn proceedings against the applicants and passed an order

dated 21.6.2016 by which an amount for the commodity found short has been recovered from the applicants and they have been penalized under the provisions of Chhattisgarh Public System Rules, 2004. Looking to the facts and circumstances of these cases, I am of the view that the applicants should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail applications are allowed and it is directed that in the event of arrest of the applicants in connection with the aforesaid offence, they shall be released on bail by the Officer arresting them 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. They shall also abide by the following conditions:

- '(i) that the applicants shall make themselves available for interrogation before the Investigating Officer as and when required;
- (ii) that the applicants 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 them from disclosing such facts to the Court or to any police officer;
- (iii) that the applicants shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
- (iv) that the applicants shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge