

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5192 of 2017

- Dilip Vibhar S/o Makhan Vibhar, Aged About 40 Years, R/o Housing Board Colony, Boriya Khurd, Police Station Mujgahan, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through: The Station House Officer Police Station Telibandha, District- Raipur, Chhattisgarh.

---- Non-applicant

For Applicant – Shri Shailendra Dubey, Advocate.

For Non-applicant/State – Shri Om P. Sahu, Govt. Advocate.

Hon'ble Shri Justice Chandra Bhushan Bajpai

Order on Board

21-09-2017

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant is held arrested in connection with Crime No.184/2017 on 08-05-2017 by P.S. Telibandha, District- Raipur, C.G. under Section 420, 406, 34 of the IPC and Section 3/7 of the Essential Commodities Act. After investigation police had filed the charge sheet against the present applicant and also shown Kamarunnisa and Samir Singh absconding and as and when the co-accused may be arrested supplementary charge sheet may be filed under Section 173(8) of the Cr.P.C. Learned counsel for the applicant would further submit that as per the allegation, there are facts that the following grocery/articles were not given to the card holders:- (1) 271.72 quintal rice, (2) 6.50 quintal sugar, (3) 3.87 quintal salt. Learned counsel for the applicant would further submit that the applicant is a salesman/servant of the said society headed by Kamrunnisa and her son Samir Khan, his duty was to give rice, sugar and salt to the persons who come to the fair price shop, with this, ingredients under Section 406 and 420 are not made out. All the allegations are against co-accused Samir Khan. During investigation, 154 card holders were interrogated

and as per their statement, it is Samir Khan who had not provided them the essential commodities as per rules. The applicant is in custody since 5 months. The matter is triable by the Judicial Magistrate. There is no any criminal antecedent of the applicant. In the witnesses list there are more than 100 witnesses. Two co-accused are absconding. Trial is not yet started. Hence, the applicant may be enlarged on bail.

3. Per contra, learned counsel for the non-applicant/State would submit that during investigation, statement of the Food Inspector has been recorded by the concerned police and other facts surfaced regarding the role of the applicant, hence the instant MCRC may be dismissed.

4. Perused the entire material.

5. On consideration of the entire facts surfaced in the charge sheet, I am not inclined to grant bail to the applicant. Consequently, the instant MCRC is hereby dismissed.

Sd/-

(Chandra Bhushan Bajpai)
Judge