

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 35 of 2018

- Smt. Qamarunnisa W/o Abdul Saleem, Aged About 51 Years R/o Rajatalab, Nayi Basti, P. S. Civil Lines, Tahsil , Civil And Revenue District Raipur Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Telibandha, Civil And Revenue District Raipur, Chhattisgarh., Chhattisgarh

---- Respondent

For Applicant	:	Mr. Adil Minhaj, Advocate.
For Respondent	:	Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

16/03/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending her arrest in connection with Crime No.184/2017 registered at Police Station- Telibandha, District – Raipur(C.G.), for the offence punishable under Sections 420, 406, 34 of the Indian Penal Code & Section 3/7 of Essential Commodities Act.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that the allegation against this applicant is made only on the basis of the entries in the register of the Fair Price Shop and the ration cards regarding distribution of the food items to the various beneficiaries. Some beneficiaries were raising doubts that the entries so made are suspicious. It is further submitted that in the identical case, this applicant has been granted anticipatory bail by the co-ordinate Bench

of this Court in MCRC No.1027/2017 vide order dated 15.12.2017. No case is made out against this applicant on the basis of the material present in this case. Applicant is a woman and she is President of the society which runs the Fair Price Shop. She is ready to abide by all the conditions and directions, which may be imposed while granting bail to her. Hence, it is prayed that applicant be enlarged on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear evidence in this case, that applicant is responsible for all the defalcation that has taken place making false entries in the registers and the ration cards, and embezzlement the food items meant for public distribution. It is also submitted that charge-sheet has been filed after completion of investigation showing the applicant as absconder, hence, she is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. An inspection made of the Fair Price Shop run by the society which is headed by this applicant. On 26.6.2016 find some deficiencies, an enquiry was made by Food Inspector and report was submitted on 27.6.2016 stating, that defalcation of food items has been made by the said Fair Price Shop by making false entries in the ration cards. Subsequent to that the FIR has been lodged after lapse of 5 months. The case has been investigated and charge-sheet has been filed.
6. Considering on the material present in the charge-sheet against this applicant and there is no requirement of any custodial interrogation of this applicant for the purpose of any investigation pending. For these reasons, it appears that applicant should be benefited with grant of anticipatory bail.

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, she shall be released on bail by the officer arresting him on him executing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge