

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C (A). No. 191 of 2018

- Sahelal S/o Shivilal Aged About 36 Years R/o.- Village Sundarpur, Police Station And Tahsil Sonhat, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Of Police Station Sonhat, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh.

---- Respondent

For the applicant : Mr. Anil Gulati, Advocate

For the Respondent/State : Mr. Anil S. Pandey, GA.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03.05.2018

1. Apprehending arrest in connection with Crime No.133/2016 registered at Police Station- Sonhat, District – Korea (C.G.), for offence punishable under Sections 420, 409, 467, 468, 471 r/w 34 of the Indian Penal Code and Sections 3 & 7 of Essential Commodities Act, the applicant has preferred this application for grant of anticipatory bail.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He is only the salesman of the Fair Price Shop run by Gram Panchayat, Sundarpur. No case is made out against him. Similarly placed two co-accused persons have been granted bail by this Court, hence, it is prayed that this applicant may also be extended benefit of anticipatory bail.

3. Learned counsel for the State opposes the bail application and submits that this applicant has played the main role in this case as co-accused -Krishna Kumar has denied responsibility in the defalcation that has been committed and it is also a part of the report by the Sub-Divisional Officer on the basis of inquiry made by him. After completion of investigation, the charge-sheet has been filed which shows that this applicant is absconding, hence, no case is made out for grant of bail.
4. I have heard the learned counsel for the parties and perused the case diary.
5. An investigation was made by Food Inspector Champakali Diwakar in the Fair Price Shop run by Gram Panchayat, Sundarpur. This applicant was present as Salesman in the said shop and shortage of 2.33 quintal rice, 2 quintal sugar and 650 liters Kerosene was found. Some fake ration cards were also found in the said shop and thus on that basis it was concluded that, the articles found in shortage were misappropriated by this applicant along-with Sarpanch (Krishna Kumar). An inquiry was made by Sub-Divisional Officer and a similar report has been given by him. FIR has been lodged against this applicant along-with co-accused namely Krishna Kumar.
6. In a similar case registered as Crime No.134/2016 co-accused Krishna Kumar has been granted bail vide order dated 7.12.2017. Order passed in MCRCA No.111/2017 has been brought to the notice of this Court that in this particular case the anticipatory bail application of co-accused Krishna Kumar has been allowed by this Court.
7. As the charge-sheet has already been filed which shows that there is no requirement of custodial interrogation of this applicant in this case and the applicant is ready and willing to face the trial. Hence,

I am of this view that this is a fit case where applicant should be benefited with grant of bail.

8. 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 his 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