

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 2135 of 2018

- Sameer Khan S/o Abdul Saleem Aged About 36 Years R/o- Nayi Basti, Rajatalab, P.S. Civil Lines, Tahsil, Civil And Revenue District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For the Applicant : Shri Adil Minhaj,
Advocate.

For the Respondent/State : Ms. Smita Ghai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02.05.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 184/2017, registered at Police Station – Telibandha, District – Raipur, (C.G), for the offences under Sections 420, 406, 34 of the Indian Penal Code and Section 3, 7 of Essential Commodities Act.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case, only for the reason that he is the son of Smt. Qamarunnisha, who is president of Akanksha Mahila Swa-Sahayata Samuh. No case is made out against him. Similarly, placed co-accused persons have been granted anticipatory bail by the co-ordinate Bench of this Court in M.Cr.C.

(A).1027/2017, vide order dated 15.12.2017 and in M.Cr.C.(A). 35/2018, vide order dated 16.03.2018 granted anticipatory bail by this Court. This applicant has no connection with Fair Price Shop run by Akaksha Mahila Swa-Sahayata Samuh. The present applicant has been granted anticipatory bail by this Court in similar case on being the salesman of Fair Price Shop, hence, it is prayed that he may also be released on bail.

3. Learned counsel for the State opposes the bail application and submissions made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. On receiving a complaint inquiry was made by the committee constituted by the Collector, Raipur, and the committee has found shortage of 271.72 quintal rice, 6.50 quintal sugar and 3.87 quintal iodised salt. The allegation against the present applicant is this that he was the person, who was running the Fair Price Shop on behalf of his mother. Hence, this case.
6. Considering the submissions made, contents of the case diary and further looking to the evidence that is proposed against this applicant to prove this case against him, this Court is of the opinion that this is a fit case where the applicant should be enlarged on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)
Judge