

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8068 of 2017

- Motilal Banjare S/o Baladram Banjare, Aged About 46 Years, R/o Village Madhubankhurd, Police Station Sarsiva, Tahsil Bilaigarh, District Baloda Bazar-Bhatapara Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sarsiva, District Baloda Bazar-Bhatapara Chhattisgarh, Chhattisgarh

---- Non-applicant

MCRC No. 412 of 2018

- Smt. Amar Bai Banjare W/o Motilal Banjare, Aged About 40 Years, R/o Madhuban Khurd, Police Station Sarsiva, Tahsiwa, Tahsil Bilaigarh, District Balodabazar-Bhatapara Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Sarsiva, District Balodabazaar-Bhatapara Chhattisgarh , Chhattisgarh

---- Non-applicant

MCRC No. 427 of 2018

- Ramkrishna Anant S/o Fagnuram Anant, Aged About 45 Years, R/o Village Bhinoda, Police Station Sarsiva, District Balodabazaar-Bhatapara Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, P. S. Sarsiva, District Balodabazar-Bhatapara Chhattisgarh , Chhattisgarh

---- Non-applicant

For Applicants – Shri Amiyakant Tiwari, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-03-2018

1. As all these three applications arise out of the same crime number, i.e., Crime No.145/2017 registered at P.S. Sarsiva, District Balodabazar-Bhatapara, Chhattisgarh, they are being decided by this common order.
2. These are first bail applications filed by the applicants before this Court under Section 439 of the Cr.P.C. for grant of regular bail. Applicant Motilal Banjare in MCRC No.8068/2017 has been arrested on 25-10-2017 in

connection with aforesaid crime number for the offence under Section 3 & 7 of the Essential Commodities Act and applicant Smt. Amar Bai Banjare in MCRC No.412/2018 and applicant Ramkrishna Anant in MCRC No.427/2018 have been arrested on 19-12-2017 for the offence under Section 409, 34 of the IPC and Section 3 & 7 of Essential Commodities Act in connection with aforesaid crime number.

3. It is submitted by learned counsel for the applicants, that applicant Smt. Amar Bai Banjare in MCRC No. 412/2018 was Sarpanch of Gram Panchayat Peeparbhavana (Te), applicant Motilal Banjarei in MCRC No.8068/2017 is her husband and applicant Ramkrishna Anant in MCRC No.427/2018 is Secretary of the concerned Gram Panchayat. It is submitted that the applicants have been falsely implicated in this case. Looking to the investigation made by the Food Inspector, the defalcation of kerosene is shown to have taken place between May, 2015 to December, 2016 and entries of all the kerosene that has been distributed to the beneficiaries and the villagers have been made in the register of the shop as well as in the ration card of the beneficiaries. Hence, no case is made out regarding any defalcation of the kerosene oil. Applicant Motilal Banjare in MCRC No.8068/2017 is in jail since 25-10-2017 and applicant Smt. Amar Bai Banjare in MCRC No.412/2018 and applicant Ramkrishna Anant in MCRC No.427/2018 are in jail since 19-12-2017. They are ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that they may be released on bail.

4. Learned counsel for the State/non-applicant opposes the applications and submits that the inspection made by the Food Inspector on 10-01-2017 discloses that the stock shown in the fair price shop of the kerosene oil was 6045 liters, whereas on inspection the stock was found to be 1516 liters, hence there was shortage of 4529 liters of kerosene oil of worth of Rs.95,109/-. On enquiry it was found that the applicants had misappropriated the kerosene oil

granted for distribution in fair price shop. Hence, they are not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. The case against these applicants is briefly discussed hereinabove.

7. Considering the facts that presently the charge sheet has already been filed before the concerned Court and the applicants are in jail since about four months, and no purpose would be served if the applicants are kept in detention till conclusion of the trial, I am of this view that the applicants should be released on bail during pendency of the trial against them.

8. Consequently, all these applications filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail are hereby allowed. It is directed that the applicants shall be released on bail each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge