

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2898 of 2018**

- Sonal Jain S/o Shri Gyanchand Jain, Aged About 33 Years R/o Station Road, Main Road, Gaurela, Tahsil Pendra Road, P. S. Gaurela, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through P. S. Marwahi, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent**And****M.Cr.C. No. 2910 of 2018**

- Sachin Jain S/o Shri Gyanchand Jain Aged About 41 Years R/o Station Road, Main Road, Gaurela, Tahsil Pendra Road, P. S. Gaurela, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

----Applicant**Versus**

- State Of Chhattisgarh Through P. S. Marwahi, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicants : Shri Alok Bakshi,
Advocates.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board**

18.05.2018.

1. Both the applications are heard and decided together by this common, order, as both the bail applications are arising out the same crime number.
2. These are the first bail application for grant of bail to the applicants who have been arrested in connection with Crime No. 181/2015 registered at Police Station – Marwahi, District - Bilaspur (C.G), for the offences under Sections 420, 406, 407 & 34 of the Indian Penal Code and Section 3/7 of the Essential Commodities Act.
3. Learned counsel for applicants submits that the applicants have been falsely implicated in this case. They are in jail since 05.04.2018. No case is made out against them. The main allegation is against the manager of the Fair Price Shop, where the shortage of stock was found on inspection. There is no direct allegation against these applicants, hence, it is prayed that they may be released on bail.
4. Learned counsel for the State opposes the bail applications and submits that both the applicants are transporter and the goods that was dispatched through them were not supplied to the P.D.S Outlet at Lohari, as the stock register does not show the entries of such supply through these transporters, which shows that both of them actively engaged in the defalcation and embezzlement of the ration articles, hence, no case is made out for grant of bail.
5. Heard counsel for both the parties and perused the case diary.
6. According to the prosecution case a joint team of Food Department made an inspection in the Fair Price Shop in Gram Panchayat at

Lohari, in which co-accused Dev Singh was posted as salesman. Shortage of stock was found on inspection and some pages of stock register and other documents were missing and it was also found that some forgery have been done. It was further found that the ration goods that was dispatched from F.C.I godown in the month of April 2015 through Truck challans by these applicants were not received in the stock register of the said Fair Price Shop, because of which, these applicants are held responsible. Hence, this case.

7. Considered on the submissions made and perusal of the case diary, it does not appear that any notice was given to these applicants to produce the acknowledgement of receipt of the goods transported by them. Apart from that, considering on the evidence that is proposed against these applicants to prove the case against them, this Court is of the opinion that this is a fit case where these applicants should be released on bail.
8. Consequently, both the applications **M.Cr.C. No. 2898 of 2018** and **M.Cr.C. No. 2910 of 2018** filed under Section 439 of the Cr.P.C. are hereby allowed. It is directed that the applicants shall be released on bail on each of them furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)
Judge