

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 668 of 2018

- T.R. Tonde S/o Late Mangaldas Tonde, Aged About 54 Years, R/o House No.42, Gitanjali Enclave, Ring Road No.2 Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Faiz Kazi, Advocate.

For Non-applicant/State – Shri Anupam Dubey, Deputy Govt. Advocate.

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

31-08-2018

1. Apprehending arrest in connection with Crime No.181/2015, registered at Police Station –Marwahi, District Bilaspur, Chhattisgarh for offence punishable under Section 420, 406, 407, 34 of the IPC and Section 3 and 7 of the Essential Commodities Act, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The allegation against the applicant about creating shortage of the stock of godown is falsified by the affidavit given by co-accused Devsingh to the police, in which, he has stated that he had received all the articles from the transporter of Public Distribution System for the period from March, 2015 to July, 2015. Rest of the co-accused persons in this case have been granted regular bail as well as anticipatory bail by this Court as well as by coordinate Bench of this Court. Hence, it is prayed that the applicant, who is a public servant, may also be granted anticipatory bail in this case.
3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant is responsible for huge defalcation which is valued to Rs.3,31,928/-, hence, he is not entitled for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.

5. A shortage of ration articles of rice, wheat etc. of valued Rs.3,31,928/- was found on inspection made by the officials and an enquiry was held, in which, it was reported that this applicant has not maintained the accounts of the godown of State Civil Supplies Corporation Ltd. at Marwahi, hence, he was held responsible for the said defalcation.

6. After due consideration on each and every material present in the case diary and also after considering on the affidavit given by one co-accused, copy of which is part of the case diary, I am of this opinion that this applicant should be benefited with grant of anticipatory bail.

7. Accordingly, the anticipatory bail application is allowed. 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 executing a personal bond in 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge