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HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 746 of 2018**

Aniruddh Kumar Kashyap S/o Shri Radhe Shyam Kashyap Aged About 47 Years R/o Village Beltara, Post Beltara, P. S. Ratanpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S H O P. S. Ratanpur, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Achyut Tiwari, Advocate.
For the Respondent/State : Shri Anil S. Pandey, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****19.07.2018**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 378 of 2017, registered at Police Station – Ratanpur, District – Bilaspur, Chhattisgarh for the offences punishable under Section 420/ 34 of the Indian Penal Code and Sections 3 and 7 of the Essential Commodities Act, 1955.

3. It is submitted by counsel for the applicant that the applicant has been falsely implicated in this case. The applicant had been In-charge of the Sewa Sahakari Samiti, Sulfa but he handed over the charge to Piyush Soni,

the next In-charge on 28.12.2016. According to the allegations in this case, the defalcation has been committed subsequent to handing over the charge by the applicant. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the defalcation started from 23.12.2016 and on that day, the applicant was In-charge of the said PDS Shop. Hence, he is not entitled for grant of anticipatory bail.

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

6. According to the case against the applicant, on an inspection made by the Food Inspector on 21.4.2017 in the PDS Shop at Salfa, a shortage of 1.28 quintal of rice, 2.75 quintal of sugar and 12.84 quintal of salt worth Rs.4,00,000/- was found for which the applicant and two other co-accused persons have been held responsible and the FIR has been lodged.

7. Considered the material present in the case-diary. According to the prosecution case, the period of defalcation is between 23.12.2016 and 21.4.2017 and at the very beginning of this period, the applicant handed over the charge is not a disputed fact. Hence, for these reasons, I feel inclined to grant anticipatory bail to the applicant.

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

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. He 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 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