

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 727 of 2018

- Fani Chandrakar S/o Late Likhan Chandrakar Aged About 60 Years
R/o Village Chicha, P.S. Patan, Tahsil Patan, District Durg
Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Amleshwar, District Durg Chhattisgarh., District : Durg,
Chhattisgarh

---- Respondent

For Applicant : Mr. V.K. Sharma, Advocate.

For Respondent/State: Mr. Ashok Swarnkar, Panel Lawyer.

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

21/08/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.37/2018 registered at Police Station-Amleshwar, District – Durg(C.G.), for the offence punishable under Sections 406 of the Indian Penal Code and Section 3/7 of Essential Commodities Act, 1955.
2. Learned counsel for applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against him. Applicant is ready to pay the amount in the recovery proceeding that has been started against him and he had presented himself to make deposit amount of Rs. 1 lakh before the Court of Sub Divisional

Officer, Revenue, Patan, District-Durg, but his proposition was refused and he was asked to make deposit of the entire amount of recovery, which he is unable to present, hence, looking to nature of the case he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.
4. Heard the parties and perused the case diary.
5. On inspection made by the team of Food Officer and Public Distribution Shop, in which, applicant was Salesman. Shortage of rice, sugar and salt was found which was worth of Rs.2,41,054/-, on that basis FIR has been lodged against him.
6. After considering on all the material present in the case diary, I am of this view that this is a fit case where applicant should be released on anticipatory bail by imposing some condition that the order of grant of anticipatory bail to the applicant shall remain effective only on applicant's depositing Rs.1 lakh in the Court concerned/Court having jurisdiction within a period of one month from the date of passing of this order.
7. 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 his executing a personal bond in the 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 them by the said Court till disposal of the trial.

Sd/-

(Rajendra Chandra Singh Samant)
Judge