

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 967 of 2018**

Durga Prasad Banjare @ David Banjare, S/o. Amolak Banjare, Aged About 44 Years, Director Jay Durga Prathmik Sahkari Upbhokta Bhandar, Shaskiy Uchit Mulay Dukan Village Cheriya Block Abhanpur, R/o. Nayakabandha, Tahsil Abhanpur District Raipur Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : Police Station Abhanpur, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocate
For Respondent/State : Mrs. Madhunisha Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****07/09/2018**

1. Apprehending arrest in connection with Crime No.118/2018, registered at Police Station – Abhanpur, District – Raipur (C.G.) for offence punishable under Section 3 & 7 of Essential Commodities Act, 1955, the applicant has preferred this application for grant of anticipatory bail.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. No case is made out against the applicant according to the material present in the case diary under the provisions of Essential Commodities Act, 1955. Hence, for this reason, it is prayed that the applicant may be enlarged on anticipatory bail.

3. Per contra learned State counsel opposes the application for grant of bail and the submissions made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. According to the FIR lodged in this case, it was found that in the month of March, 2018, the applicant in capacity of Director of Government Fair Price Shop Nayakbandha, Village- Cheriya has not distributed the ration articles to the beneficiaries of the area, whereas, he has received all the ration articles from the concerned. On this ground allegation has been made that he has embezzled all the ration articles of March, 2018. Hence, this case
6. Considered the submissions made and the contents of the case diary. On perusal of the case diary, it appears that no shortage of stock has been reported in this case and it appears to be case of dereliction of duty, hence for this reason, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram