

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6497 of 2018**

- Brajesh Porte, S/o Ram Asre Porte, aged about 30 years, R/o Ghonghadih, P.S.- Kota, District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Thana Incharge Kota, District- Bilaspur, (Special Investigation Cell) Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Jitendra Shrivastava, Advocate
For State/Respondent	:	Shri Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel**Order on Board****04/10/2018**

1. The applicant has preferred this first bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 60/2018 registered at Police Station- Kota, District- Bilaspur (Special Investigation Cell), Chhattisgarh for the offence punishable under Section 420, 409, 467, 468/34 of IPC and Section 3 & 7 of Essential Commodities Act.
2. As per prosecution story, allegation against the present applicant is that he alongwith other co-accused persons committed fraud in the Public Distribution System. They obtained ration from the Fair Price Shop in the names of dead persons as well as in the names of persons who have already left the village for earning their livelihood. It is further alleged that they started black-marketing of the essential commodities

which are purely meant for Public Distribution System. On the basis of the report made by the Food Inspector, police has registered the offence and the present Applicant has been taken into custody on 18.04.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that allegedly Sarpanch Sitaram and Secretary Harprasad Bhaskar are the persons who are responsible for running the said Fair Price Shop. Sitaram and other co-accused Suresh have already been granted bail by the Judicial Magistrate First Class. Other co-accused Ajay Yadav has also been granted bail by this Court vide order dated 27.08.2018 passed in M.Cr.C. No. 5540 of 2018. There is nothing on record on the basis of which the present Applicant could be implicated in the case. He is in custody since 18.04.2018 and trial will take some time. Charge-sheet has been filed. Therefore, he may be released on bail.
4. Per contra, Learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard Learned Counsel appearing for the parties and perused the entire case diary with due care.
6. Considering the entire facts and circumstances of the case and further considering that charge-sheet has been filed, co-accused Sitaram and Suresh have already been granted bail by the Judicial Magistrate First Class, and co-accused Ajay Yadav has been granted bail by this Court, I am inclined to enlarge the Applicant on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one surety in the like sum to the satisfaction of the Trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge