

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1271 of 2018**

Ku. Pretti Tomar, D/o. Sanjay Tomar, Aged About 23 Years, R/o. Village, Post and Chowki- Chintlanar, Police Station- Jagargunda, Tahsil- Konta, District- Sukma, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : The Station House Officer, Police Station- Jagargunda, District- Sukma, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Praveen Dhurandhar, Advocate
For Respondent/State	: Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****23/10/2018**

1. Apprehending arrest in connection with Crime No.19/2016, registered at Police Station – Jagargunda, District – Sukma (C.G.) for offence punishable under Section 3 & 7 of Essential Commodities Act, 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 merely because of a shortage in the fair price shop, where this applicant is a salesman that has been compensated and fine has been paid by the applicant. It is submitted that similarly placed co-accused in this case namely Santosh Jaiswal has been enlarged on anticipatory bail by this Court in M.Cr.C.(A) No.683/2017 vide order dated 16.11.2017. Therefore, it is prayed 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. The applicant was salesman in the fair price shop in Surpanguda, where on inspection shortage of 0.45 quintals of rice and 1.15 quintals of sugar was found, regarding which the applicant could not give any explanation. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and for the reason that she has already been sentenced with fine for the shortage that was found, by the concerned authority, 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, she shall be released on bail by the officer arresting her 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 herself 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 her by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram