

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1288 of 2018

- Rajendra Singh Yadav S/o Amar Singh Yadav Aged About 44 Years
R/o Dhamdha Naka, Durg, Police Station- Mohan Nagar, District- Durg,
Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station-
Mohan Nagar, Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Manish Upadhyay, Advocate.
For Respondent/State	:	Mr. Anil S. Pandey, Govt. Advocate & Mrs. Madhunisha Singh, PL.

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

23/10/2018

1. The applicant has preferred this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.346/2018 registered at Police Station-Mohan Nagar, District – Durg(C.G.), for the offence punishable under Section 407 of the Indian Penal Code, 3/7 of Essential Commodities Act. 1955.
2. Learned counsel for applicant submit that applicant is innocent and has been falsely implicated in this case. He in capacity of the transport Contractor had instructed his driver to do the transport work on the instructions given by the C.G. State Civil Supplies Corporation. The driver of the applicant was instructed to deliver the goods in two places

which he complied with accordingly. No case is made out against this applicant, hence, it is prayed that he may be released on anticipatory bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that this applicant is the main accused in this case and because of whose instruction the driver had carried out and complied with causing loss to the State Exchequer. Hence, the application be rejected.
4. Heard the parties and perused the case diary.
5. The case against this applicant is this, that 71 bags of rice were loaded in the truck belonging to this applicant on 23.8.2018 for supply to the Fair Price Shop in Bodegaon. The driver of the applicant unloaded only 40 bags of rice in the Fair Price Shop at Bodegaon and unloaded the remaining bags of rice in Navin Mahila Sewa Sahayata Samiti. On an inspection made by the Food Inspector, the said shortage has been found in the Fair Price Shop at Bodegaon, and this FIR has been lodged. Hence, this case. The driver of this applicant has given statement that he had worked under the instruction of Civil Supply Corporation.
6. After due consideration, I am of this view that this is a fit case where applicant should be released on anticipatory bail .
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 themselves 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