

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C.(A). No. 1335 of 2018**

Arjun Lal Hirwani, S/o. Shri Bisahat Ram Hirwani, Aged About 56 Years,
R/o. Bakli, Police Station- Kurud, District- Dhamtari, Chhattisgarh.

----Applicant**Versus**

The State Of Chhattisgarh, Through : Station House Officer, Police
Station- Kurud, District- Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shailendra Dubey, Advocate
For Respondent/State	: Mr. Ashish Shukla, G.A.
For Objector	: Mr. D.N. Prajapati, Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****29/10/2018**

1. Apprehending arrest in connection with Crime No. 340/2018, registered at Police Station – Kurud, District – Dhamtari (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 on the basis of false allegation made against him and other witnesses. No case is made out against him on the basis of the material present in the case diary. 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. It is submitted that

according to the evidence present in the case diary, prima-facie case is made out against the applicant. Hence, he is not entitled for grant of anticipatory bail.

4. Counsel for the objector after adopting the arguments advanced by the learned counsel for the State submits that the applicant is habitual offender and has committed the offence of similar nature earlier also, because of which he was prosecuted in the year 2010 and the villagers have objection to have this applicant as salesman in fair price shop of Prathmik Krishi Upaj Sakh Samiti Maryadit, Shivnikala. Hence, the applicant may not be released on anticipatory bail.
5. In reply, it is submitted on behalf of the applicant that the applicant has already resigned from the job and in the said prosecution of the year 2010, he has been acquitted by the concerned Court.
6. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
7. It is alleged that in capacity of salesman of the fair price shop of the Samiti, this applicant was engaged in making sale of kerosene oil @ Rs.45/- per liter to the beneficiaries instead of fixed price of Rs.22.84 per liter and he has similarly made a sale of other articles by realizing excess price from the beneficiaries, thus has misappropriated the excess amount.
8. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.

9. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
10. 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