

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 941 of 2017

- K. Laxmaiya S/o Shri Bojjaiya, Aged About 35 Years R/o Village Doranapal, Police Station Doranapal, Revenue District Sukama, Chhattisgarh And Civil District South Baster Dantewada, Chhattisgarh, Presently Working As Manager At Co-Operative Society, Chintagupha, Police Station Jagargunda, Revenue District Sukama, Chhattisgarh And Civil District South Baster Dantewada, Chhattisgarh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Jagargunda, Revenue District Sukama, Chhattisgarh And Civil District South Bastar Dantewada, Chhattisgarh, Chhattisgarh

---- Respondent

MCRCA No. 942 of 2017

- K. Laxmaiya S/o Shri Bojjaiya Aged About 35 Years R/o Village Doranapal, Police Station Doranapal, Revenue District Sukama Chhattisgarh And Civil District South Baster Dantewada Chhattisgarh, Presently Working As Manager At Co-Operative Society Chintagupha, Police Station Jagargunda Revenue District Sukama Chhattisgarh And Civil District South Bastar Dantewada Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Jagargunda, Revenue District Sukama Chhattisgarh, And Civil District South Bastar Dantewada Chhattisgarh, Chhattisgarh

---- Respondent

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MCRCA No. 946 of 2017

- K. Laxmaiya S/o Shri Bojjaiya, Aged About 35 Years R/o Village Doranapal, Police Station Doranapal. Revenue District Sukama Chhattisgarh And Civil District South Bastar Dantewada Chhattisgarh.....Presently Working As Manager At Co - Operative Society, Chhintagupha, Police Station Jagargunda, Revenue District Sukama Chhattisgarh And Civil District South Baster Dantewada Chhattisgarh., Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Jagargunda, Revenue District Sukama Chhattisgarh And Civil District South Baster Dantewada Chhattisgarh., Chhattisgarh

---- Respondent

For Applicants	:	Mr. Paras Mani Shriwas, Advocate.
For Respondent/State	:	Mr. Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/05/2018

1. Since the above bail applications are similar in nature and arise out of the same chain of incidents, they are being heard and decided together by this common order.
2. Applicant in all the above cases has preferred these applications for grant of anticipatory bail as he apprehends his arrest in connection with Crime Nos.07/2016 in M.Cr.C.(A) No.941/2017, Crime No.16/2016 M.Cr.C.(A) 942/2017 & Crime No.08/2016 in M.Cr.C.(A) No.946/2017 registered at Police Station-Jagagund, District – Sukama (C.G.), for the offence punishable under Sections 3 & 7 of the Essential Commodities Act, 1955.
3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. It is submitted that this applicant being the Manager of the Co-operative Society was in-charge and the Fair Price Shops in of village Nagaram, Chintalnar and Morapalli where some malfunctioning had taken place due to the activities of the Salesmen of the said shops, for which the Salesmen alone are responsible. The applicant can be held responsible at the most for dereliction in duty which can be dealt departmentally. It is not

a criminal responsibility, hence, it is prayed that he may be released on regular bail.

4. Learned State counsel opposes the bail applications and the submissions made in this respect. It is submitted that according to the material present in the case diary, this applicant being the Manager of the Society and the Salesman, both are jointly responsible for defalcation committed in each of the Fair Price Shops, hence, he is not entitled for grant of anticipatory bail.
5. Heard both the parties and perused the case diary.
6. In Crime No.07/2016 an inspection was made in the Fair Price Shop situated in village-Chintalnar and the shortage of articles worth Rs.33,510/- was found. In Crime No.16/2016, inspection was made by the authority in the Fair Price Shop situated in village-Nagaram and shortage of worth Rs.361823 was found. Likewise, on inspection being made in the Fair Price Shop, Morapalli in Crime No.08/2016 a shortage of articles worth of Rs.32840/- was found. On a complaint being made by the Food Inspector with respect to the shortage/ defalcation in each of the Fair Price Shop, separate FIR has been registered against this applicant and other co-accused persons.
7. On perusal of the diary statement of the witnesses it appears that the Food Inspector had stated that this applicant has not performed his duty and thus committed dereliction of duty because of which this loss has occurred to the society. This kind of statement against this applicant also shows that it amounts to a misconduct due to non-performance of his duties as well. The case against this applicant has criminality or not shall be considered by the trial Court. On the basis of the material at hand, I am of this view that this is a fit case where

applicant should be benefited with grant of anticipatory bail.

8. Accordingly, all the anticipatory bail applications of applicant are allowed and it is directed that in the event of his arrest in connection with the aforesaid offence, in each of the crime registered against him he shall be released on bail by the officer arresting her 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 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 her by the said Court till disposal of the trial.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha