

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 1132 of 2017

Abhimanyu Jaisawal S/o Jhalak Ram Jaiswal, Aged About 28 Years R/o
Basna, Police Station Basna, Distt. Mahasamund Chhattisgarh,
Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Basna, Distt.
Mahasamund Chhattisgarh, Chhattisgarh

---- Respondent

For Applicant	:	Mr. Manoj Paranjape, Advocate.
For Respondent/State	:	Mr. Dhiraj Wankhede, GA

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

16/03/2018

Heard.

1. Apprehending arrest in connection with Crime No.162/2016 registered at Police Station- Basna, District Mahasamund (C.G.) for the offence punishable under Sections 3 & 7 of Essential Commodities Act, 1955, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.

2. As per the prosecution case, a report was made by Chandu Lal Sahu that certain goods i.e. wheats were given for making ready to eat food to Jai Chandi Woman Self Help Group Basna wherein the wife of the applicant is the President. The said wheat of 165 Quintals were to be given back after making ready to eat but the said wheat was parted with and was given to one Padmawati Murra Mill; thereby the offence has been committed.

3. Learned counsel for the applicant would submit that initially the wife of the applicant is the President of Self Help Group and in order to get that particular wheat roasted, an agreement was entered in between Balaji Murra Mill and there was breakdown in the machine of Balaji Murra Mill, as such, in order to get the goods ready to eat prepared, it was given to Padmawati Murra

Mill so that the production can be received back. He further submits that there is no criminality in this case and had there been no return of the amount, the case would have been made out, but in this case before the wheat was processed, it was seized when it was being sent for the processing. He relied on the resolutions of the Self Help Group which are filed along-with this bail application and would submit that the applicant may be enlarged on anticipatory bail.

4. Per contra, learned State counsel opposes the prayer for grant of anticipatory bail.

5. Perused the case diary and various resolution passed by the Self Help Group wherein it shows that the goods were given for roasting to Padmawati Murra Mill when there was breakdown of the earlier Balaji Murra Mill. Taking into such facts and the nature of transaction, I find it to be a fit case where the benefit of Section 438 of Cr.P.C. can be extended to the applicant. Taking into consideration that co-accused has also been protected in the similar kind of case and by anticipatory bail vide order dated 11-11-2016 in M.Cr.C.(A) 1029/2016.

6. Accordingly, this anticipatory bail application is also allowed and 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 furnishing a personal bond to a 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/-

(Manindra Mohan Shrivastava)

J U D G E

Rohit