

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9474 of 2018

- Ramsingh Nirmalkar S/o Sewaram Nirmalkar Aged About 28 Years R/o Village Nagabuda ,post Office And Police Station Gariyaband District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Office ,police Station Gariyaband District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Respondent

For Applicant	:	Shri Shivendu Pandya, Advocate
For Respondent	:	Shri D.K. Wankhede, Dy. Govt. Advocate.

Hon'ble Shri Justice Parth Prateem Sahu

Order On Board

20/12/2018

1. The applicant has preferred this bail application under Section 439 of CrPC as he has been arrested in connection with Crime No.53/2018 registered at Police Station Gariyabandh, District Gariyaband (CG) for commission of offence punishable under Section 409/34 of the IPC and Section 3/7 of the Essential Commodities Act.
2. The prosecution story, in brief, is that on the basis of a complaint regarding misappropriation of articles in Fair Price Shop, Majarkatta, District Gariyabandh by the applicant and others, a committee consisting of two members i.e. Cooperative Development Officer & Assistant Food Officer, was constituted to enquire into the allegation. During the physical verification of the stock, said Committee has found shortage of 845.3 quintal of rice, 3.94 quintal of sugar, 7.01 quintal of salt, 7.75 quintal of gram & 1467 liters of kerosene oil. Total value of the shortage was assessed as Rs.3,40,726/-.
3. Learned counsel for the applicant submits that the applicant and the Manager of Cooperative Society, Majarkatta used to maintain the stock,

however, due to some bonafide mistake the stock could not be maintained properly. He further submits that the applicant is in jail since 18.7.2018 and the trial is likely to take time. Allegation against present applicant is similar to that of co-accused, who has been released on bail by the trial Court. Therefore, the applicant may also be released on bail.

4. On the other hand, learned counsel for the State has opposed the bail application.
5. Considering the facts and circumstances of case, nature of allegation levelled against the applicant, the fact that co-accused has already been granted bail and that the applicant is in custody since 18.7.2018 and disposal of trial is likely to take time as the case is triable by Magistrate 1st Class, I am inclined to release the applicant on regular bail.
6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.10,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
7. Certified copy as per rules.

Sd/-
(Parth Prateem Sahu)
Vacation Judge

roshan/-