

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C.(A). No. 318 of 2019**

Madkami Handa, S/o. Nanda, Aged About 26 Years, R/o. Village Neelavaram, P. S. Fulbagadi, District Sukma Chhattisgarh.

----Applicant**Versus**

State Of Chhattisgarh, Through : The Station House Officer, Police Station Fulbagadi, District Sukma Chhattisgarh.

---- Respondent

For Applicant	: Mr. Praveen Dhurandhar, Advocate
For Respondent	: Mr. H.S. Ahluwalia, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****05/04/2019**

1. Apprehending arrest in connection with Crime No.07/2017, registered at Police Station – Fulbagadi, District – Sukma (C.G.) for offence punishable under Section 3, 7 of Essential Commodities Act, 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. No case is made out against the applicant on the basis of the material present in the case diary. The financial irregularities that have been pointed out against the applicant are baseless and the applicant intends to defend his case before the department and in the Court. Further to show the bonafides, the applicant has himself made deposit of Rs.20,000/- in the office of Collector, Food Branch, District – Sukma and intends to make payment of remaining amount as soon as possible. Therefore, it is prayed that 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.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. As alleged, this applicant was salesman of Public Distribution Shop in village Neelavaram. On 26.05.2017 complainant Food Inspector made an inspection and found defalcation of various ration items valuing of Rs.66,050/-, therefore, the FIR has been lodged.
6. Considered the submissions made and the contents of the case diary. After considering the entire material in the case diary and looking to the intention of the applicant to make good the loss caused in this case on account of his act and also looking to the fact that he has made partial payment of the amount calculated that has been allegedly embezzled in this case, this Court is inclined to extend the benefit of Section 438 of Cr.P.C. to the applicant.
7. Accordingly, the anticipatory bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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.
- (v) In case the remainder of amount is not paid within a period of six months from today, then the order of anticipatory bail shall automatically stand canceled.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram