

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1490 of 2019

- Anish Khan S/o Moh. Yunus Khan Aged About 40 Years R/o Pathanpara, P.S. Kharsiya, District- Raigarh, Chhattisgarh, Taluka Kharsiya, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Kharsiya, District- Raipur, Chhattisgarh, Taluka Kharsiya, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Syed Imtiaz Ali, Advocate.
For Respondent/State : Shri Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

26/03/2019

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 836/2018, registered at Police Station Kharsiya, District Raigarh, Chhattisgarh, for the offence punishable under Sections 3, 7 of the Essential Commodities Act.
2. As per the prosecution story, one fair price shop situated at Kharsiya was allotted to Anusa Saral Mahila Swa Sahayata Samuh through President Nazma Begam for the distribution of food grains. Allegedly, at the relevant time, present Applicant was working there as Weigher 'Taulkarta'. On the date of incident, said fair price shop was inspected by Food Inspector wherein it was found that certain irregularities were committed by present Applicant and other co-accused persons. On the basis of the said, report was lodged by Food Inspector and thereafter, offence has been registered. The Applicant has been taken into custody on 21.02.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that Applicant is not the owner of the said fair price shop. There is no previous antecedents of same type of crime against present Applicant, he is in custody since 21.02.2019 and trial is likely to take some time. Therefore, Applicant may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 21.02.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge