

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.(A) No. 667 of 2019**

G. Bangiram S/o G. Chinna Aged About 41 Years Caste Mahra, R/o Village Jagargunda, Police Station Jagargunda, Tahsil Konta, District Sukma Chhattisgarh., District : Sukuma, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Jagargunda, District Sukma Chhattisgarh., District : Sukuma, Chhattisgarh.

---- Respondent

For the Applicant : Shri Praveen Dhurandhar, Advocate.
For the Respondent/State : Ms. Madhunisha Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****14.05.2019**

1. Heard on application under Section 438 of the Code of Criminal Procedure, 1973.

2. This is the first bail application filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the applicant who is apprehending arrest in connection with Crime No. 14 of 2016, registered at Police Station – Jagargunda, District – Sukma, Chhattisgarh for the offence punishable under Sections 3 and 7 of the Essential Commodities Act.

3. It is submitted by 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 placed before the Court by the prosecution. The main allegation is against the Managers of the said fair price shops of the

Panchayat of which the applicant is Secretary. The Managers of the fair price shops who are accused in this case have been granted anticipatory bail by this Court and the case of this applicant is not different from theirs. Hence, it is prayed that the applicant be benefited with grant of anticipatory bail.

4. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that the applicant being the Secretary of Panchayat had the responsibility to see and monitor the movement of the commodities in fair price shop for avoiding the black-marketing of the same. He himself appears to be one of the beneficiaries therefore, no case is made out for grant of anticipatory bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the FIR lodged, on inspecting the fair price shop in Kunded, District Sukma, shortage of 0.42 quintal of rice, 18.94 quintal of sugar and 0.17 quintal of gram was found. The salesman and this applicant have been made accused in this case and it is alleged that the articles found in shortage were black marketed. It is the submission made by counsel for the applicant that the applicant and the co-accused have deposited the difference amount with the Panchayat and there is a report of Sub-Divisional Officer, Revenue, Konta, District Sukma in this respect.

7. After considering all the facts and circumstances of the case and also considering the fact that similarly placed co-accused persons have been granted anticipatory bail by this Court, I am of the considered view that the

present is a fit case where the applicant should be benefited with grant of anticipatory bail.

8. Accordingly, the anticipatory bail application is allowed and 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. He 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 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.'

Sd/-

(Rajendra Chandra Singh Samant)
Judge