

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 758 of 2019

- Bhagwat Sahu S/o Chotudas Sahu, Aged About 44 Years, Sarpanch Gram Panchayat Parrikala, Block Rajnandgaon, Police Station City Kotwali Rajnandgaon, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer Out Post Chikhali Police Station City Kotwali Rajnandgaon, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant – Shri B.D.Guru and Shri S.S. Baghel, Advocates.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

26-07-2019

1. Apprehending arrest in connection with Crime No.74/2019, registered at Police Station – O.P. Chikhali, P.S. City Kotwali, Rajnandgaon, District- Rajnandgaon, Chhattisgarh for offence punishable under Section 420 of the IPC and Section 3/7 of the Essential Commodity Act, the applicant has preferred this application for grant of anticipatory bail.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is Sarpanch of Gram Panchayat Parrikala in District Rajnandgaon He is custodian of the Fair Price Shop. On the date of incident the bags of rice were issued on the basis of the requisition sent by co-accused Manisha Mandavi, Principal of Eklavya Residential High School Pendri. The bags of rice were collected by co-accused Prayas Sahu who happens to be a transporter. The applicant has made entries of bags of rice issued in the web portal and has taken the price which has been deposited in the respective account of the bank. Therefore, he has not committed any offence, even then he has been arrayed as accused in this case. Therefore, it is prayed that the applicant may be granted anticipatory bail.

3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, between 21-01-2019 and 29-01-2019 in total 90 bags of rice were issued by the Fair Price Shop which was under supervision of this applicant, by his direction. Requisition of the said rice was sent by one Manisha Mandavi, Principal of Eklavya Residential High School, Pendri. After issuance of the said rice, it is alleged that the said rice has been embezzled by the persons concerned.
6. On perusal of the material present in the case diary, it appears that co-accused persons have made statement regarding embezzlement made by them. As there are entry of issuance of rice made by the applicant in web portal and there is no further evidence collected so far that the applicant has been one of the beneficiary of the said embezzlement. Therefore, I feel inclined to allow this application.
7. Accordingly, the anticipatory bail application is allowed. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Aadil