

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**M.Cr.C.(A.) No. 1032 of 2019**

- Chandan Nag S/o Late Sukaru, Aged About 28 Years, R/o Village And Police Station Chintalnar, Tahsil Konta, District- Sukma, Chhattisgarh

**---- Applicant**

***Versus***

- State Of Chhattisgarh, Through Station House Officer, Police Station Jagargunda, District- Sukma, Chhattisgarh

**---- Non-applicant**

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For Applicant : Mr. Praveen Dhurandhar, Advocate.

For State/respondent : Mr. Aditya Sharma, Panel Lawyer.

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

**Order on Board**

**09-08-2019**

Heard.

1. Apprehending arrest in connection with Crime No.09/2015, registered at Police Station– Jagargunda, District- Sukma, Chhattisgarh for offence punishable under Section 34 of Indian Penal Code and Section 3/7 of Essential Commodities 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 was removed from the post of salesman of a fair price shop by the Sarpanch Gram Panchayat on 30.10.2014 and he handed over the charge of the fair price shop on the same day to one Markam Ramesh. The present complaint is with respect to the defalcation in the period of the month of June, July and August of 2015, when the applicant was not in charge. Therefore, he has been falsely implicated. Hence, it is prayed that this applicant is entitled for grant of anticipatory bail.

3. Learned counsel for the State opposes the applicant and submits that in the statement of the witnesses, it is clearly said that the applicant had retained the ration cards of the beneficiaries and he used to black market the items of fair price shop. Therefore, he is not entitled for grant of anticipatory bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, on an inspection made by Food Inspector of fair price shop run by Gram Panchayat, Milampali, a shortage of 1.25 quintals rice and 0.89 quintals sugar was found. On that basis the concerned F.I.R. was lodged. Documents of resolution of the Sarpanch Gram Panchayat, Milampali has been attached showing that the applicant was removed from the charge on 30.10.2014.
6. After looking to the facts and circumstances of the case, I feel inclined to allow this application.
7. Hence, the bail application filed under Section 438 of Cr.P.C. is allowed.
8. 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)**

Monika