

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRCA No. 1332 of 2019**

1. Smt. Sushila Khunte, W/o Babulal Khunte Aged About 50 Years (President, Jai Stambh Mahila Swa Sahayata Samuha),
2. Smt. Sushila Sahu W/o Amarnath Sahu Aged About 53 Years (Secretary, Jai Stambh Mahila Swa Sahayata Samuha),
3. Amarnath S/o Ramu Sahu Aged About 56 Years,
4. Babulal Khunte S/o Mohan Lal Khunte Aged About 53 Years,
5. Dev Prasad Lahre S/o Bhuru Lahre Aged About 30 Years,

All are R/o Village Mudhpar, Thana Navagarh, District Janjgir Champa, Chhattisgarh.

---- Applicants

Versus

The State of Chhattisgarh Through District Magistrate, Janjgir, District Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicants	: Shri Parag Kotecha, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/10/2019

1. The Applicants have preferred this first bail application under Section 438 of the Cr.P.C. apprehending their arrest in connection with Crime No. 168/2017 registered at Police Station Navagarh, District Janjgir-Champa (C.G.) for the offence punishable under Sections 409, 420/34 of the I.P.C. and Sections 3/7 of the Essential Commodities Act.
2. As per the prosecution story, at the relevant time, Applicant No. 01 Smt. Sushila Khunte was the President of Jai Stambh Mahila Swa Sahayata Samuh, Mudhpar. At that time, Applicant No. 02 Sushila Sahu was the Secretary and other Applicants were the employees of

the said group. They had been allotted various articles under the Public Distribution Scheme for selling/distributing the same to public. Applicants No. 2 to 5 used to sell/distribute the articles allotted to the group. It is alleged that during the period from 25.05.2017 to 30.06.2017, the said group was supplied rice, refined iodized salt, sugar and kerosene, but 223.45 quintal of rice, 9.02 quintal of sugar, 2.01 quintal of refined salt and 622 liters of kerosene were misappropriated/manipulated by the said group. On physical verification, the aforesaid quantity of the articles were not found in the stock nor the same were distributed to public. Therefore, the concerned Food Inspector lodged a report on the basis of which the offence in question was registered.

3. Learned Counsel appearing for the Applicants submits that the Applicants are innocent and have been falsely implicated. He further submits that on the basis of the material available, no *prima facie* case is made out against the Applicants. On 01.07.2017, shop of the said Jai Stambh Mahila Swa Sahayata Samuh was cancelled by the S.D.O. and one other group, namely, Shitla Mahila Samuh was authorized to sell the articles. Thus, since 01.07.2017, the said Shitla Mahila Samuh is operating the selling and distribution of the articles. Therefore, if any misappropriation or manipulation has been done, it would have taken place after handing over of the shop by the present Applicants of Jai Stambh Mahila Swa Sahayata Samuh to Shitla Mahila Samuh. Hence, he claims that the Applicants be admitted to the benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application and submits that according to the inquiry report dated 24.07.2017, submitted by the Food Inspector, the manipulation relates to the period from 25.05.2017 to 30.06.2017 and, therefore, a *prima facie* case is made out. The offence is of grievous nature and it involves government money. Therefore, the Applicants should not be granted anticipatory bail.
5. I have heard learned Counsel appearing for the parties and perused

the case diary with due care.

6. Taking into consideration the facts and circumstances of the case, the evidence collected by the prosecution and the other relevant material available in the case diary as also the submissions put-forth on behalf of the parties, I find that the present is not a fit case to extend the benefit of anticipatory bail to the Applicants.
7. Accordingly, the instant bail application is rejected.

Sd/-
(Arvind Singh Chandel)
Judge