

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 43 of 2019**

Khemraj, S/o Shri Bholaram Banjara, aged about 30 years, R/o village Samhar, Thana Tendukona, Tahsil Bagbahra, Civil and Revenue District Mahasamund (CG). **---- Applicant**

Versus

State of Chhattisgarh, through Station House Officer, Police Station Tendukona, District Mahasamund (CG). **---- Non-applicant**

For Applicant	: Mr. Sunil Sahu, Advocate
For Non-applicant	: Ms. Sangeeta Mishra, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta
Order On Board

14.02.2019

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court.
2. Perused the case diary provided by the counsel for the State in connection with Crime No.167/2018 registered in Police Station Tendukona, District Mahasamund for the offence punishable under Sections 409, 420 of Indian Penal Code and Sections 3 & 7 of Essential Commodities Act.
3. Case of the prosecution, in brief, is that the applicant was a seller of Fair Price Shop of village Mongrapali and Shikaripali operated by Prathmik Krishi Sakh Sahkari Samiti. After the inquiry, it was found that the applicant had not properly distributed 300 quintals of rice to 100 card holders during the years 2014 to 2017. He had embezzled the sale amount of Rs.5,64,827.69/-.
4. Counsel for the applicant submitted that the applicant has not committed any offence and has been falsely implicated in the case. He further submitted that offences are triable by JMFC, the applicant is in jail since long back and amount is recoverable under Essential Commodities Act and as such the applicant may be released on bail.
5. On the other hand, counsel for the State opposed the bail application, however, he submits that no criminal antecedent is reported against the applicant in police case diary.
6. Looking to the facts and circumstances of the case, looking to the seriousness of the offence and looking to the impact of granting bail to the applicant on society, this Court is not inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the bail application is rejected.
7. Certified copy as per rules.

SD/-
(Sharad Kumar Gupta)
JUDGE